



Development

Construction of 55 apartments and all associated site works. The proposed development comprises the carrying out of works to a protected structure: Scholarstown House (RPS Ref: 322).

Location

Scholarstown House, Scholarstown Road, Dublin 16, D16 E2H9.

Planning Authority

South Dublin County Council

Planning Authority Reg. Ref.

SD25A/0150W

Applicant(s)

Emmaville Limited

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party Normal Planning Appeal

Appellant(s)

Margaret Watson
Orlagh Grove Residents Association C/O
Ann Nelson
Ballyboden Tidy Towns

Observer(s)

Department of Housing Local
Government and Heritage

Date of Site Inspection

1st of May 2026

Inspector

Elaine Sullivan

Table of Contents

1.0	Site Location and Description.....	4
2.0	Proposed Development.....	4
3.0	Planning Authority Decision	5
4.0	Planning History.....	10
5.0	Policy Context.....	12
6.0	EIA Screening.....	19
7.0	The Appeal	20
8.0	Assessment	28
9.0	AA Screening.....	53
10.0	Water Framework Directive.....	54
11.0	Recommendation.....	54
12.0	Reasons and Considerations	54
13.0	Conditions.....	55
	Appendix 1: Form 1 EIA Pre-Screening	67
	Appendix 2: Form 2 - EIA Preliminary Examination	69
	Appendix 3: AA Screening Determination	72

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.79 hectares and is in the south Dublin suburb of Ballyboden. It is positioned on the south-eastern corner of the Scholarstown Roundabout, approximately 350m from the M50 motorway. To the east the site is bounded by St. Colmcille's Community School and to the south by a small neighbourhood centre. To the north of the site and on the opposite side of Scholarstown Roundabout is the residential development of Ros Mór View. Directly to the east of Ros Mór View is the Two Oaks development, a recently completed build-to-rent apartment development of 590 units. Development to the north-west and south-west of the site is residential in nature and mainly comprises traditional two storey housing developments.
- 1.2. Access to the site is from the Scholarstown Road which bounds the site to the north. The western site boundary runs along Orlagh Grove, the local access road to the Orlagh Grove housing development which extends to the west and south of the subject site.
- 1.3. The site currently comprises Scholarstown House, a protected structure, (RPS Ref. 322), and a number of outbuildings and sheds. A mature treeline forms the site boundary on all sides with a central grassed area to the front of the house. All boundary walls are of modern; block construction and the house is not visible from the public road or footpath.

2.0 Proposed Development

2.1. Planning permission is sought for the following development,

- The demolition of the 4-no. existing shed structures on site within the curtilage of Scholarstown House (RPS Ref. 322)
- The retention, alteration and conversion of Scholarstown House (Protected Structure) into two no. residential units comprised of 1 no. 2-bed and 1 no. 3 bed units served by private open space in the form of ground floor terraces.

- The construction of an apartment block ranging in height from 3 to 5 storeys along the southern site boundary containing 55 no. apartment units, (16 no. 1-beds, 26 no. 2-beds and 13 no. 3-beds) all served by private open space in the form of balconies and/or ground floor terraces.
- The proposed development also includes residential amenities, car and cycle parking accessed via a new pedestrian and vehicular access off Orlagh Grove with the existing entrances on Scholarstown Road and Orlagh Grove being re-configured to provide for pedestrian and cycle access.
- Ancillary development works to facilitate the development including but not limited to, plant rooms, a substation, bin stores, landscaping, boundary treatments and lighting.

3.0 Planning Authority Decision

3.1. Decision

Planning permission was granted by the Planning Authority, (PA), subject to 30 planning conditions which are mainly standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the Planning Authority, (PA), was informed by three reports from the Planning Officer, (PO). The first report dated the 14th of August 2025 recommended that further information (FI) was requested. The second report dated the 8th of October 2025 recommended that clarification of FI was sought. The third report dated the 8th of December 2025 recommended that planning permission was granted for the development subject to 30 planning conditions.

The first report of the PO included the following,

- The PO noted that the subject site and general layout of open space, pedestrian and vehicular access points, internal road layout/alignment, bin store, bicycle store, parking arrangement, and utility elements (ESB substation

and switch room) is generally unchanged from that proposed under the previous application, (**ABP 317724-23 / SD22A/0401**).

- The proposed apartment block reflects the general siting and layout of that previously proposed along the eastern/Orlagh Grove site boundary and along the internal roadway of the scheme. Changes to the layout include increased setback distances from the southern and southwestern site boundaries. This was achieved by removing the apartment building footprint and underpass site access from Orlagh Grove. A reduction in the footprint at the northeast extent of the apartment block was also included.
- A density of 80 units per hectare (uph) is proposed, which is in accordance with national guidance and acceptable for the subject site.
- The PO noted that existing residential amenity would not be compromised. Separation distances between the proposed development and the residential development to the southwest of the site are considered appropriate and are more than the required 16m standard.
- The five-storey height of the apartment development was considered to be appropriate for the site, given the stepped height and façade articulation. The PO considered that the proposed heights respond both positively and sensitively to the existing scale of development and height contexts within the vicinity of the development and shall contribute positively to the existing streetscape.
- Regarding the mix of units in the scheme, the PO notes that the number of 30-bed units would represent 25% of the overall typology which is less than the 30% required under Policy H1 Objective 12 of the Development Plan. The PO considers this mix to be acceptable as the policy has flexible provisions, the prevailing house type in the area and SPPR1 of the Apartment Guidelines which prohibits the minimum or maximum requirements for units with a certain number of bedrooms.
- Details in the application state that the proposed apartments would meet or exceed the minimum floorspace requirements and that 67% of the apartments would be dual aspect in layout, with no north facing single aspect units

proposed. As per particulars submitted, all apartments exceed the required minimum floor standards as per the Apartment Guidelines.

- The PO concluded that the apartment development would receive adequate daylight and sunlight, but the units in Scholarstown House may be compromised. Compensatory measures are included for these units.
- The first report concluded that the proposed development, by reason of overall layout, relative orientation to existing building, siting including setback from site boundaries, and design detail, would not adversely impact on the amenities of existing adjacent properties by reason of significant overbearing visual appearance, undue overshadowing or overlooking. The proposal, by way of design, would also provide for acceptable internal amenity for future occupants, and integrate satisfactorily with the visual amenities of the subject.
- The proposed development was considered to be compliant in terms of communal and public open space provision.
- The use of frosted glass to prevent overlooking of habitable rooms is considered acceptable.
- The PO recommended that FI was requested with regard to the following issues,
 - Traffic and Transport – clarification on the Traffic and Transport Assessment (trip generation figures), traffic counts, Road Safety Audit, general road layout and pedestrian facilities.
 - Surface water - Clarification regarding surface water layouts and attenuation details for the proposal, including surface type areas and the respective run-off coefficients for same.
 - Public Realm - Further details in relation to play equipment, play space provision and SuDS features on site.
 - The provision of a Building Lifecycle Report.

The second report of the PO assessed the applicant's response to FI. The PO was satisfied that the response received in relation to issues raised about traffic, transport and roads layout had been adequately addressed. However, clarification of FI was

sought regarding SuDS details (tree pit locations, swales, detention basins and porous paving) and the provision of play equipment.

The third report of the PO was satisfied that all issues raised had been adequately addressed by the applicant's response to the clarification of FI request. A recommendation to grant permission was issued.

3.2.2. Other Technical Reports

- Water Services – The report dated the 12th of August 2025 recommended that FI was requested regarding surface water attenuation details and calculations; SuDS provision and design details. The report dated the 30th of September 2025 had no objection to the applicant's response to FI and recommended standard conditions. A third report dated the 28th of November 2025 also had no objection to the development.
- Roads Department – The proposed parking rate of 0.76 spaces per unit is considered acceptable as a ratio of 0.64 spaces per unit was applied to other development in the area. FI requested regarding information used in the TTA. for trip generation and queue length, the provision of a Car Club, pedestrian permeability, RSA and design details for internal roads layout. The department had no objection to the applicant's response to FI. They acknowledged the drawings that proposed an additional pedestrian link in the north-eastern corner of the site but concluded that the footpath was too narrow and requested its omission.
- Parks and Public Realm – The report dated the 12th of August 2025 recommended that FI was requested regarding the level of play provision and SuDS details. The second report dated the 1st of October 2025 was not satisfied with the response to FI and requested clarification of details. The final report dated the 27th of November 2025 recommended that permission was granted with a condition attached to provide an additional two pieces of play equipment.
- Housing Department – Part V condition to be attached.

- Environmental Health Officer – No objection to the development. Standard construction management conditions recommended.
- Public Lighting – A note on the public lighting proposal was submitted from an external consultant. The correspondence states that no lighting design was provided and recommended that a condition is attached requiring the submission and agreement of a public lighting plan prior to the commencement of development.

3.3. Prescribed Bodies

- **Uisce Éireann** – No objection. Standard conditions regarding the submission of a confirmation of feasibility for water and wastewater prior to commencement of development are recommended.
- **DAU** – No objection to development. Conditions recommended regarding the timing for removal of trees and pre-development archaeological testing.
- **TII** – No objection.

3.4. Third Party Observations

The PA received 47 no. third party submissions during the public consultation stage. The issues raised include the following,

- The overall scale of the development in terms of its massing, height, density and design.
- Negative visual impact on the area.
- Tenure typology of development,
- Impact on existing residential amenities, in terms of overshadowing and loss of light,
- Overlooking of adjacent school property,
- Cumulative impact of new/recent residential development in the area,
- Lack of open space provision, with reference to need for play space provision in the area,
- Note that units should be for sale and not build to rent,

- Impact on the built heritage and fabric of Scholarstown House,
- Impact on habitats and biodiversity from loss of trees,
- Impact on protected and identified European sites,
- Safety of site access – potential conflict with pedestrian, cyclist and vehicles,
- Existing traffic congestion,
- Parking provision would result in overspill parking,
- Additional demand on public transport, which is at capacity,
- Capacity of existing water and wastewater services,
- Capacity of existing community infrastructure, with reference to schools, childcare facilities, healthcare facilities,
- Construction phase impacts,
- Inadequate Road Safety Audit and Traffic Impact Assessment, heritage assessment, shadow analysis, environmental and ecological issues.
- Lack of information from Uisce Eireann,
- Usability of public open space areas within the site.

4.0 Planning History

4.1. **ABP-317724-23 (PA Ref. SD22A/0401)** – Planning permission refused by the Commission in 2024 for development comprising the construction of 72 apartments in a block ranging in height from 3-5 storeys, the conversion of Scholarstown House to provide two residential units with ancillary development including a new site access from Orlagh Road, parking, landscaping, drainage etc. The development was refused for the following reasons,

1. *The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), which constitute Ministerial Guidelines under Section 2 of the Planning and Development Act 2000 (as amended), state at Table 3.1 that it is a policy and objective of the Guidelines that residential densities in the range 40 to 80 dwellings per hectare (net)*

shall generally be applied at suburban and urban extension locations in Dublin and that densities of between 80 and 150 dwellings per hectare (net) shall only be open for consideration at 'accessible' suburban/ urban extension locations (as defined in Table 3.8 of the Guidelines). Table 3.8 of those Guidelines defines an "Accessible Location" as lands within 500 metres (that is, up to five to six minute walk) of existing or planned high frequency (that is, 10 minute peak hour frequency) urban bus services. Having regard to the suburban location of the subject site and the lack of existing or planned high frequency urban bus services in the vicinity, as defined by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), the Board considered that the proposed development of 74 apartments on a 0.79 hectare site, which includes a protected structure and a significant number of trees which are to be retained, would constitute an overdevelopment of the subject site, would be contrary to the provisions of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) and would, therefore, be contrary to the proper planning and sustainable development of the area.

- 2. Having regard to the suburban location of the subject site and the lack of existing or planned high frequency urban bus services in the vicinity, as defined by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), the Board considered that the proposed provision of 44 car parking spaces to serve 74 apartment units would be insufficient and as such would be likely to result in a degree of off-site, on-street, car parking in the vicinity which would be likely to result in obstruction of road users, cyclists and pedestrians, and resultant traffic hazards, which would be contrary to the proper planning and sustainable development of the area.*
- 3. SPPR (Specific Planning Policy Requirement) 1 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), which constitute Ministerial Guidelines under Section 28 of the Planning and Development Act 2000 (as amended), state that, inter alia, a separation distance of at least 16 metres between opposing windows*

servicing habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained, to maintain a minimum level of residential amenity for the occupants of those dwelling units. Having regard to the plans and particulars submitted in support of the subject application, it is considered that the proposed arrangement of apartment layouts and siting of blocks within the scheme would result in inadequate separation distances between blocks, and between habitable rooms and balconies, resulting in overlooking of habitable rooms and private amenity areas which would seriously injure the residential amenity for future occupiers of the units. Therefore, it is considered that the proposed development would be contrary to the minimum requirements of SPPR 1 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) in relation to ensuring appropriate levels of residential amenity for the future occupants of the proposed development and would be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Development Plan

South Dublin Development Plan 2022-2028

The site is zoned Objective RES – ‘*To protect and/or improve residential amenity*’. Residential use is ‘Permitted in Principle’ within this zoning objective.

Slivers of land along the southern and eastern site boundaries are zoned Objective OS – ‘*To preserve and provide for open space and recreational amenities*’.

The site comprises Scholarstown House, a Protected Structure, (RPS ref. 322), and its attendant lands and outbuildings.

There are no special objectives or designations that relate to the site.

Chapter 2 – Core Strategy and Settlement Strategy

Policy CS4 – Active Land Management - Facilitate the re-use and regeneration of vacant sites and landbanks through various measures to promote compact urban growth in line with the Core Strategy.

CS4 – Objective 2 - To promote the delivery of residential development through active land management measures and a co-ordinated planned approach to developing appropriately zoned lands at key locations, including regeneration areas, vacant sites and under-utilised areas.

Policy CS6 – Settlement Strategy – Strategic Planning Principles - Promote the consolidation and sustainable intensification of development within the urban settlements identified in the settlement hierarchy.

CS6 Objective 2 - To promote compact growth and to support high quality infill development in existing urban built-up areas by achieving a target of at least 50% of all new homes to be located within or contiguous to the built-up area of Dublin City and Suburbs (consistent with NSO 1, RSO 2, NPO 3b and RPO 3.2).

Chapter 3 – Natural, Cultural and Built Heritage

NCBH11 Objective 3: To protect and retain existing trees, hedgerows, and woodlands which are of amenity and / or biodiversity and / or carbon sequestration value and / or contribute to landscape character and ensure that proper provision is made for their protection and management taking into account Living with Trees: South Dublin County Council's Tree Management Policy (2015-2020) or any superseding document and to ensure that where retention is not possible that a high value biodiversity provision is secured as part of the phasing of any development to protect the amenity of the area.

Policy NCBH19: Protected Structures - Conserve and protect buildings, structures and sites contained in the Record of Protected Structures and carefully consider any proposals for development that would affect the setting, special character or appearance of a Protected Structure including its historic curtilage, both directly and indirectly.

NCBH19 Objective 2: To ensure that all development proposals that affect a Protected Structure and its setting including proposals to extend, alter or refurbish

any Protected Structure are sympathetic to its special character and integrity and are appropriate in terms of architectural treatment, character, scale and form. All such proposals shall be consistent with the Architectural Heritage Protection Guidelines for Planning Authorities, DAHG (2011 or any superseding documents) including the principles of conservation.

SuDS - GI4 Objective 1: To limit surface water run-off from new developments through the use of Sustainable Drainage Systems (SuDS) using surface water and nature-based solutions and ensure that SuDS is integrated into all new development in the County and designed in accordance with South Dublin County Council's Sustainable Drainage Explanatory Design and Evaluation Guide, 2022.

Chapter 5 – Quality Design and Healthy Placemaking

5.2.7 – Density and Building Height

The South Dublin County's Building Height and Density Guide (BHDG) forms the primary policy basis and toolkit for the delivery of building height and density in the county.

The Development Plan notes that the BHDG was intended to complement the *Urban Design Manual – Best Practice Guidelines (2009)*, and has been prepared to support Section 28 Guidelines on height and density.

5.2.8 – Mix of Dwelling Types

QDP10 Objective 1: To ensure that all new residential developments provide for a wide variety of housing types, sizes and tenures in line with the South Dublin County Housing Strategy 2022-2028.

Chapter 6 – Housing

H1 Objective 12: Proposals for residential development shall provide a minimum of 30% 3-bedroom units, a lesser provision may be acceptable where it can be demonstrated that:

- there are unique site constraints that would prevent such provision; or
- that the proposed housing mix meets the specific demand required in an area, having regard to the prevailing housing type within a 10-minute walk of the site

and to the socioeconomic, population and housing data set out in the Housing Strategy and Interim HNDA; or

- the scheme is a social and / or affordable housing scheme

H13 Objective 2: To maintain and consolidate the County's existing housing stock through the consideration of applications for housing subdivision, backland development and infill development on large sites in established areas, subject to appropriate safeguards and standards identified in Chapter 12: Implementation and Monitoring.

Chapter 8 – Community Infrastructure and Open Space

Table 8.2 – Public OpenSpace Standards – Minimum of 10% of the site area to be provided for new residential development on lands zoned 'Res'.

Chapter 12 – Implementation and Monitoring

12.3.7 – Protected Structures - Works to a Protected Structure – A set of core principles are laid out in this section and include the following requirements,

- Alterations should reflect and respect the scale, setting and original building character, should not undermine the original built fabric, and should not detract from the significance or value of the structure.
- Design intervention should be well-considered and minimal rather than involving extensive structural alteration to avoid undermining the original structure.
- Original features of architectural and historic interest should be retained, and new features should not be presented as original or older features.
- New uses should be compatible with the existing building and should respect key architectural and cultural characteristics.
- The impact and insertion of new build should be reduced by utilising original boundaries, screen walls and return structures and mature planting / natural screening.

12.4.2 – Green Infrastructure and Development Management – requires that all planning applications shall demonstrate how they contribute to the protection or enhancement of Green Infrastructure in the County through the provision of green

infrastructure elements as part of the application submission, having regard to a set of principles set out in the Development Plan.

All development proposals shall be accompanied by a Green Infrastructure Plan.

Green Space Factor (GSF) – all development proposals for 2 or more residential units are required to reach the minimum GSF score established by their zoning objective.

12.5.3 – Density and Building Heights – Development proposals for increased building heights and densities shall be in accordance with the South Dublin Building Heights and Density Guide and will be considered in conjunction with the provisions of the ‘Urban Design Manual – A Best Practice Guide’ (2009).

12.5.4 – Public Realm (at site level) – sets out the requirements for public realm proposals.

12.6 – Housing – Residential Development

The Development Plan sets a benchmark for 3-bedroom units where a need was identified for more family type housing in new development in the Housing Needs and Demand Assessment (HNDA).

Proposals for residential development shall provide a minimum of 30% 3-bedroom units, a lesser provision may be acceptable where it can be demonstrated that:

- there are unique site constraints that would mitigate against such provision; or
- that the proposed housing mix meets the specific demand required in an area, having regard to the prevailing housing type within a 10-minute walk of the site and to the socio-economic, population and housing data set out in the Housing Strategy and Interim HNDA; or
- the scheme is a social and / or affordable housing scheme

12.6.10 – Public Open Space – Standards set out in Table 12.22.

12.7.1 – Bicycle Parking / Storage – Standards set out in Table 12.23.

12.7.4 – Car Parking Standards – the subject site is located in Zone 1 for parking provision. The standards for residential development in Zone 1 are set out in Table

12.26. The maximum parking provision for apartment/duplex development are; 1 bed apt – 1 space, 2-bed apt 1.25 spaces, 3+ bed apt – 1.5 spaces.

A lower rate of parking may be acceptable subject to circumstances such as proximity to public transport, proximity to services and the ability of the surrounding community road network to cater for increases in traffic.

5.2. Relevant National or Regional Policy / Ministerial Guidelines

Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES-EMR).

The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten-year National Development Plan (NDP) - and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region.

National Planning Framework First Revision (2025) (NPF)

The NPF is the Government's strategic plan for shaping the future growth of the country to the year 2040. The framework contains a set of ten National Strategic Outcomes (NSOs) which include 'compact growth', 'sustainable mobility', 'transition to a carbon neutral and climate resilient society' and 'sustainable management of environmental resources'.

The first revision of the NPF was approved by Government in April 2025 and projects a population increase of an additional 1 million people in Ireland between 2022 and 2040. This would require a significant increase in housing needs, with the NPF anticipating an average of 50,000 new homes per year to 2040. An additional 470,000 people are anticipated for the Eastern and Midland Region between 2022 and 2040.

(Note to the Commission – At the time of writing the South Dublin County Development Plan was in the process of being varied to accommodate the provisions of the NPF under Variation No. 2).

Climate Action Plan (CAP) 2025

This revision of the CAP builds on the previous 2024 CAP. It refines and updates the measures and actions required to deliver carbon budgets and sectoral emissions ceilings and provides a roadmap for taking decisive action to halve Ireland's emissions by 2030 and achieve climate neutrality by no later than 2050. The Commission is required to perform its functions in a manner consistent with the Climate & Low Carbon Development Act.

The National Biodiversity Action Plan (NBAP) 2023-2030

The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Commission to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Commission. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local Level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, EIA Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.

Section 28 Ministerial Guidelines

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I believe the directly relevant Section 28 Ministerial Guidelines are:

- *Design Standards for Apartments, Guidelines for Planning Authorities (2025)*. (Note – These Guidelines are currently subject to a court challenge under Judicial Review).
- *Sustainable Residential Development and Compact Settlement Guidelines 2024* (density / height / separation distances / open space).

(Note to the Commission – At the time of writing the South Dublin County Development Plan was in the process of being varied to accommodate the provisions of the Compact Settlements Guidelines under Variation No. 2).

- *Urban Development and Building Heights Guidelines, 2018.*

5.3. Natural Heritage Designations

- No designations apply to the subject site.
- The closest European site is Glenasmole Valley SAC, located 4 km from the proposed development site.
- There are no designated Natural Heritage Areas (NHA) within a 15km radius.
- The nearest Proposed NHA (Dodder Valley pNHA) is located 1.3 km from the site.
- The nearest RAMSAR site (Sandymount Strand/Tolka Estuary) is located 8.5 km from the proposed development site.

6.0 EIA Screening

6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required

6.2. The grounds of appeal raised a concern regarding the potential cumulative impacts of the development on the environment within the wider context of recent development permitted and completed in the area. Extant and completed planning permissions in the area are acknowledged and it is evident that the area has been subject to development pressure in recent years. However, each of the permitted developments was subject to their own environmental assessment prior to permission being granted. The

potential environmental impacts during the construction phase were addressed in the CEMP with the application and the potential impacts during the operational phase are also described in the application documentation. I am satisfied that the potential for cumulative impacts from the development would be limited in nature and have been considered in the relevant assessments, (i.e. including the Landscape and Visual Impact Assessment, Daylight and Sunlight Assessment and the Traffic and Transport Assessment). Given the nature and scale of the proposed development, I am satisfied that it will not give rise to significant cumulative environmental impacts and that any such impacts have been detailed and considered in the supporting documentation.

7.0 The Appeal

7.1. Grounds of Appeal

Three third-party appeals were lodged against the decision of the PA. As some of the same issues were raised in separate appeals, I have combined and summarised the main issues raised.

Traffic & Transport -

- The Traffic Impact Assessment (TIA) and Travel Plan rely on the future provision of Bus Connects and the assumed service enhancements, which are neither operational nor guaranteed.
- Existing bus services are at capacity and unreliable, (specific reference is made to the No. 15 bus).
- The TIA is inadequate and fails to address existing congestion at the Orlagh Roundabout, cumulative impacts with extant permissions, peak-time movements and reduced vehicular capacity.
- The traffic assessment relies on the operational performance of the Orlagh Roundabout, the layout of which has since been altered under a Part 8 / Section 38 scheme. This has resulted in the removal of a lane of traffic. The appellant submits that the changes to the roundabout were made without EIA

screening or exempted development determination and as such the legality of reliance on the baseline conditions used in the TIA is questioned.

- Changes to the road network in the area, including changes to the roundabout, has resulted in slower traffic flow and more congestion.
- The low level of car parking is not justified by credible evidence of existing or operational public transport capacity and will result in overspill parking in surrounding areas.
- Concerns are raised regarding the safety of the proposed access from Orlagh Grove, which already experiences traffic congestion. The location of the access would result in conflict with pedestrians and cyclists as well as vehicles. The access is close to the roundabout and the shops at the neighbourhood centre.
- Access to the site should be from the Scholarstown Road which has a higher order function in the road hierarchy. Orlagh Road is a local access road and is not suitable for additional traffic.

Impact on the Protected Structure –

- The scale, height, massing and proximity of the apartment block would seriously injure the character and setting of Scholarstown House (RPS Ref. 322).
- The Architectural Heritage Impact Assessment is deficient as it fails to address alternative layouts and reduced-density options, cumulative visual impacts, include verified visual analysis from public vantage points or demonstrate how harm to the protected structure can be avoided rather than mitigated.
- The apartment block is between 8 and 10 metres from the protected structure and is 3 to 6 metres higher. This will impact on the setting of the PS and was not considered by the PA.

Ecology / Landscape -

- Proposed removal of a substantial number of mature trees will result in permanent landscape and biodiversity loss that cannot be offset by replacement planting within constrained root protection areas.

- Large areas of public open space are constrained by attenuation infrastructure and engineering constraints which results in a fragmented and inadequate amenity.
- The application fails to address the impact of the proposal on bat and bird populations, ecological corridors, surface water pathways to the Dodder catchment and Dublin Bay SACs and cumulative effects with other developments.

Services –

- Existing services, (schools, creche, healthcare) are all at capacity and will be subject to further strain should the development go ahead.
- Concern regarding the number of build-to-rent units in the area, (reference is made to 480 units just 150m from the site) as the appellant argues that the number of rental units undermines long-term community stability by reducing opportunities for home ownership and deepening social inequality.

Density –

- The density of c. 72 dwellings per hectare is excessive. Whilst the principle of increased density is in line with national guidance, Development Plan policy also applies. It is only where SPPR's apply that the policies and objectives of the Development Plan can be superseded. No SPPR applies to density.

Mix of units –

- The subject proposal fails to provide an appropriate mix of unit types. It fails to provide the Development Plan requirement of 30% three-bedroom units and provides 25% instead. The lack of houses and concentration of apartments fails to meet the requirements of the development plan.

Design and layout –

- Having regard to the building line of the proposed five storey block in close proximity to the public road and footpath, the proposed development is likely to result in overlooking of the rear gardens of houses on Orlagh Crescent and Orlagh Green.

Additional issues raised -

- The grounds of appeal contend that the subject proposal fails to address the previous reasons for refusal under **ABP Ref. 317724-23**, which related to excessive density, inappropriate scale, inadequate transport capacity and impact on the protected structure.
- It is put forward that the application is deficient as it does not include confirmation from Uisce Éireann regarding the feasibility and capacity of water and wastewater services.
- Appellants also considered that the application did not include assessments regarding archaeology, air quality, noise and cumulative transport assessments.
- Third parties argue that the cumulative impact with permitted, constructed and proposed developments was not assessed and that the application lacks robust assessment across traffic, transport, biodiversity, heritage, water and climate.

7.2. Applicant Response

7.2.1. A response was received from the applicant on the 9th of February 2026 and contains the following points.

- The applicant states that the subject scheme evolved in response to the previous reasons for refusal under **ABP-317724-23**. The residential density was reduced from 102 uph to 72 uph. Car parking provision was revised in consultation with the PA, and the proposed ratio of 0.76 spaces per unit is within the maximum range for the Development Plan. The scheme was reviewed with the PA to ensure that it was compliant with SPPR 1 (separation distances) of the Compact Settlements Guidelines (CSGs) and to ensure adequate privacy measures were included.
- The applicant is satisfied that the proposal is not contrary to the residential zoning objective for the site as it has been designed in accordance with Development Plan standards and national planning policy guidelines. The potential for the project to

impact the amenities of adjacent properties has been tested by means of design feasibility and the preparation of detailed sunlight and daylight assessments.

- The proposed residential density is in accordance with the CSGs and the scheme has been designed in accordance with Appendix 10 of the Development Plan.
- Regarding the provision of 3-bed units, the applicant notes that whilst Objective H1 Objective 12 of the CDP states that a minimum of 30% 3-bed units should be provided, it also allows for flexibility where it can be demonstrated that the proposed housing mix meets the specific demand required in the area within a 10-minute walk, which is the case in the existing area.
- In response to issues raised regarding public transport capacity, the applicant notes that a letter from the NTA to Councillors dated November 2025 (enclosed in the appeal) outlines that the NTA carry out ongoing monitoring of capacity on bus routes, considering existing, permitted and approved development. The letter also states that additional capacity has been allocated for the No. 15 route, which serves the area. Further improvements to the service will be delivered through Bus Connects.
- A technical response is included to answer issues raised regarding traffic. The response notes that the proposed access on Orlagh Road was subject to detailed review with the PA and is the optimal point of entrance to the development. The design was subject to an independent RSA which deemed it to be safe. The TTA confirms that the development will contribute just 1.4% to existing traffic volumes on Scholarstown Road and will have little impact on congestion. The development will add approximately 1 vehicle to the car queueing on Orlagh Road at the Scholarstown Roundabout during the morning peak hour. There will be no material impact on traffic congestion locally from the development.
- With regard to concerns regarding overspill car parking, the applicant has agreed with the PA that double yellow lines will be provided on Orlagh Road to prevent overspill parking.
- The claim made regarding the impact on local services is unsubstantiated. The subject site is in an urban area, next to a school and neighbourhood centre. Is

within walking distance to a range of schools, sporting facilities and parks. The public open space proposal will benefit future and existing residents.

- Interventions to Scholarstown House will be minimised with the retention of historic features, which survived the extensive reconstruction of the building following a fire in 1909. In relation to the protection of the setting of Scholarstown House, the design approach was developed through consultations with the Conservation Officer of the PA. The retention of the northern aspect and main approach to the house was retained with new buildings positioned behind the protected structure. Changes to the previous proposal resulted in a reduction in the scale and massing to the rear of Scholarstown House.
- An Architectural Heritage Impact Assessment (AIHA) was prepared for the proposal by a suitably qualified heritage and conservation practice, in accordance with the guidelines for the preparation of such an assessment. Claims that the AIHA is deficient are refuted.
- Regarding comments about Uisce Éireann, the applicant notes that a copy of the pre-connection enquiry to UE was included in the application. A Confirmation of Feasibility (CoF) was subsequently issued and is appended to the appeal. A report was received by the PA from UE which noted that connection agreements should be entered into 'prior to commencement' of development. There are no servicing impediments to the proposed developments.
- With regard to changes to the Scholarstown/Orlagh Roundabout, the applicant is unaware of any uncertainty over the environmental assessment of works undertaken by the PA to narrow lane widths on the approach to the roundabout to improve pedestrian and cycle facilities. A TTA was carried out to assess the impact of the development on traffic in the area, including the roundabout.
- Loss of trees / biodiversity – Most of the trees to be removed are of poor quality with many in bad condition. An approach was agreed with the Parks Department of the PA to provide a net gain in tree planting to make up for the shortfall resulting from the development.
- An EclA was prepared for the development and confirms that the removal of identified habitats will result in a loss of species and habitat of low biodiversity

importance. The area is not an important foraging area for terrestrial mammals or birds of conservation importance. Biodiversity benefits will be provided through the landscaping plan and the provision of SuDS.

- Regarding appellants claims that the impact on bats and birds, ecology and designated sites, has not been adequately assessed, the applicant notes that an EclA was submitted that included dedicated Bat Fauna Impact Assessment and a Breeding Bird Assessment. No bats were observed emerging from trees or buildings and mitigation measures are included to address potential impacts on green-listed bird species observed on the site.
- The Green Space Factor for the development was measured at 0.58 which is 0.08 above the required scoring for the development.
- Open Space – Approximately 29.9% of the site area is designated for public open space, which exceeds the minimum requirement by c. 1,178 sq. m. The response to FI clarified the interactions between open space and SuDS measures. The main play area is designed to facilitate natural play which will be enhanced by the varied topography and planting. The PA was satisfied with the overall proposals.
- The AA Screening Report concluded that the proposed development will not have a significant impact on the conservation objectives of the Natura 2000 sites. This was reiterated in the AA Screening carried out by the PA.
- In response to the assertion that the lack of an archaeological report, air quality, noise and cumulative assessment, renders the decision unsound, the applicant states that the scope of the application and supporting documents was determined by the PA during pre-application consultations. The plans and particulars submitted with the application are sufficient to demonstrate any potential impacts arising from the development and robust enough to inform a decision.

7.3. Planning Authority Response

- 7.3.1. A response was received from the PA on the 13th of January 2026. The PA confirmed its decision and had no further comments to make. All issues were addressed in the Chief Executive Order.

7.4. Observations

7.4.1. A submission was received from the Department of Housing, Local Government and Heritage (DAU) and contains the following comments,

- The AHIA notes that the 'original' Scholarstown House was of the 16th century with no further reference provided. Survival of such historic fabric could affect interventions to convert the structure. Notwithstanding the ambiguity regarding the historic provenance of the house, the submission states that the issue can be addressed by condition.
- The Department has no objection to the proposal for housing within the curtilage of the house but considers the impact of the apartment block was not considered under the objective criteria in Chapter 13 of the Architectural Heritage Protection Guidelines for Planning Authorities. (Sections 13.3, 13.5 and 13.8 are referenced and apply to development within the curtilage of a protected structure).

7.5. Further Responses

7.5.1. Each of the three appellants submitted replies to the applicant's response. No new issues were raised. The appellants reiterated their concerns regarding the capacity of public transport, (with reference to the ongoing NTA issues regarding 'ghost' buses and cancellation of buses), traffic congestion, safety of the proposed access, cumulative impact of development in the area, impact on the protected structure, ecological and environmental impacts, scale, density and height.

7.5.2. The response from Ballyboden Tidy Towns notes that they submitted a Section 5 declaration to the PA in respect of works to the Orlagh Roundabout (**Ref. ED26/0027**). The response also seeks to notify the Commission of a Part 8 consultation process for the Kncoklyon to Ballyboden Active and Sustainable Travel Scheme, which the appellant claims will affect the same road network. A suite of correspondence from the appellant to the PA regarding the Part 8, Section 5 declaration and Variations No. 2 of the Development Plan is appended to the response.

8.0 Assessment

8.1. Having examined the application details and all other documentation on file, and inspected the site, I consider that the main issues in this appeal can be addressed under the following headings:

- Principle of Development
- Height, Scale and Density
- Impact on Protected Structure
- Traffic & Transport
- Residential Amenity
- Biodiversity & Ecology

8.2. Principle of Development

8.2.1. Most of the site is zoned objective RES – which seeks *‘To protect and/or improve residential amenity’*. A small section of the site along the southern and western boundaries is zoned objective OS – *‘To preserve and provide for open space and recreational amenities’*.

8.2.2. The proposed residential development will be situated fully within the ‘RES’ zoning objective on the site. Landscaping and surface car parking is proposed along the southern and western boundaries of the site and some of the car spaces may encroach into the OS zoning objective. A ‘Car Park’ is listed as a use that is ‘open for consideration’ under the OS zoning if it is for small-scale amenity or recreational purposes only. Whilst car parking for residential development is not specifically listed as a land use under the ‘permitted’, ‘open for consideration’ or ‘not permitted’ in the OS zoning categories, I am satisfied that given the limited encroachment into the zoning objective that the proposal would not contravene the zoning objective and would not be a material contravention. The PA also considered that a minor encroachment into the OS zoning was acceptable.

8.2.3. Based on the uses proposed, I am satisfied that the principle of the development is acceptable and that it can be assessed on its merits. The grounds of appeal submit that the development is not in accordance with the RES zoning objective for the site as it would

not 'protect and/or improve' existing residential amenity which is the overarching objective. This ground will be assessed in the following sections of the report which will review the potential impacts of the proposal on the receiving environment, which includes existing residential development.

8.3. Design and Layout

- 8.3.1. The design approach of the subject proposal follows the general site layout and design principles set out in the previous application for the site (**ABP-317724-23, PA Ref. SD22A/0401**). The new apartment block is positioned along the southern site boundary and forms the streetscape along Orlagh Road at the south-western corner of the site. This layout essentially wraps around the rear elevations of Scholarstown House and opens the front of the site and the approach to the house. The development would range in height from 3 to 5 storeys with the top-level set back from the main elevation. The highest part of the block would be in the south-western corner, adjacent to the site entrance. From this point the building steps down to 3-storeys at its eastern section which is closest to St. Colmcilles School, and at its northern section, behind Scholarstown House. Issues raised about the layout of the site including the proposed mix of units and the quality of public open space will be addressed below. The issue of height, scale and density will be addressed under a separate heading.
- 8.3.2. Although the issue of future residential amenity was not raised in the grounds of appeal, I am satisfied that the details submitted with the application demonstrate that all units will meet the minimum space standards for apartments as set out in Table 3.21 of the Development Plan and Appendix 1 of the Apartment Design Guidelines (2025). All units would have private open space in the form of balconies or terraces and 67% of units would be dual aspect. A Daylight and Sunlight Assessment Report was submitted as part of the application and demonstrates that the new units will generally comply with guidance for Daylight and Sunlight (*BR 209 "Site layout planning for daylight and sunlight: a guide to good practice" (3rd Edition, 2022)* and *Irish Standard EN 17037 (NSAI)*). However, the units proposed for Scholarstown House would be somewhat compromised in terms of access to daylight and sunlight. This is acceptable as the proposal is for the conversion of a protected structure and compensatory measures are provided, which include the

provision of larger units, private outdoor space and the planning gain from refurbishment and conversion of the protected structure.

- 8.3.3. The grounds of appeal consider that the development is not in accordance with the housing mix required in the Development Plan as it would deliver only 25% of 3-bed units instead of the 30% required by Policy H1 Objective 12 of the Development Plan. The report of the PO accepted the proposed housing mix based on the specific housing demand in the area, prevailing housing type within a 10-minute walk of the site and the most recent CSO population and housing data. The PO also refers to SPPR1 of the Apartment Design Guidelines (2025) which states that there shall be no restriction on the mix of unit sizes or types within a single apartment scheme.
- 8.3.4. Whilst SPPR 1 supersedes the Development Plan objective H1 – Objective 12 as it relates to unit mix, I accept the argument put forward by the applicant that the prevailing mix of housing type in the area is of traditional two storey, suburban-type houses that are predominantly 3-bed units. I also acknowledge, the argument put forward in the appeal that the character and housing typology of the area is changing as a result of new developments which comprise apartment blocks. However, having regard to the long-established nature of the suburban area, the delivery of new apartment developments in the area will not significantly impact or alter the prevailing character of low-rise suburban housing in the immediate area. I am satisfied that the mix of 3-bed units in the development is acceptable and in accordance with SPPR 1 and that the mix can be accepted under the provisions of Development Plan objective H1- Objective 12.
- 8.3.5. The grounds of appeal raised a concern about the quality of open space in the development and considered it to be fragmented and compromised by engineering constraints and attenuation infrastructure. This is refuted by the applicant who states that the quantum of public and communal open space within the site represents approximately 29% of the site area, which is c. 1,178 sq. m above the minimum requirement. A response to FI clarified the relationship between the open space and drainage measures and was accepted by the PA.
- 8.3.6. I have reviewed the information submitted by the applicant at the initial application stage, FI, and clarification of FI, and I am satisfied that the required quantum of public open space and communal open space can be delivered in the scheme. The main section of open space is positioned in the northern part of the site and to the front of Scholarstown

House. The Landscape Design Report states that the strategy evolved from the need to maintain the open aspect looking from, and to, the protected structure and comprises four main, soft-landscape areas connected by pathways through the site. The main play area is in the north-western corner of the site and is c. 180 sq. m in size, which the PA considered to be sufficient. The three remaining areas comprise landscaped areas with detention basins for surface water management. Whilst the grounds of appeal consider the open space to be fragmented, I accept the logic of the proposed strategy. It provides landscaped areas around internal pathways connecting the bicycle parking area, play area and informal green landscaped areas that comprise detention basins. I consider the approach to be a reasonable response to the constraints of the site and to Development Plan requirements regarding the delivery of an appropriate Green Space Factor and the use of SuDS within the site. I note that one of the requirements of the PA was that surface water was to be managed within the site, which necessitates the use of attenuation areas and natural solutions. Details submitted at FI state that the detention basins have been designed to be graded back so they are gently sloped and flat in the centre, so they can be easily accessible and maintained while also facilitating use for amenity purposes. I note that the total quantum of open space is in the order of 17% of the total site area which is also above the Development Plan standard of 10% public open space for development in the RES zoning objective. On balance, I consider the provision of public open space to be acceptable as it is multi-functional in its strategy to provide an appropriate setting for the protected structure and to manage surface water and drainage in the site.

8.3.7. Third parties note that the proposal would break the established building line and consider this to be contrary to the principles of good design and urban design. The apartment block would be positioned forward of the existing neighbourhood centre to the south of the site. However, the access road and parking area within the site would provide some separation between the buildings. I am satisfied that the scale and location of the subject site allows for the creation of its own character in terms of urban form. Furthermore, if the proposed development was to follow the established building line of the neighbourhood centre, the set-back within the site would be excessive and would not result in the provision of a strong and coherent streetscape along Orlagh Road. I consider the building line proposed to be acceptable in this instance.

8.3.8. Overall, I consider the layout of the site to be an appropriate response to the context of the site, which is a corner site in an urban area with a protected structure. The proposed block

would present a defined streetscape along the western boundary, and the building would be scaled down to address the sensitivities of adjoining development to the east and the protected structure within the site.

8.4. Height, Scale and Density

- 8.4.1. The grounds of appeal raised a concern regarding the scale of the development in terms of its height and density and the impact that the built form would have on the protected structure and on existing residential amenities. The impact on the protected structure will be addressed under a separate heading.
- 8.4.2. Appendix 10 of the SDCCP contains the Building Height and Density Guide for the county, which was prepared to compliment and implement, national guidance contained in the *Urban Development and Building Height – Guidelines for Planning Authorities (2018), (Building Height Guidelines)*. Both local and national guidance documents promote the use of performance-based criteria when assessing how a building interacts with the existing environment. National planning policy regarding density is set out in the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, which came into force after the Development Plan had been adopted. Within the Guidelines the subject site would be categorised as a ‘City – Suburban/Urban Extension’, (Table 3.1). Residential densities in the range of 40 – 80 dwellings per hectare (net) shall generally be applied at suburban and urban extension locations in Dublin, and densities of up to 150 dwellings per hectare (net) shall be open for consideration at ‘accessible’ urban locations. An accessible urban location is defined as, ‘*within 500 metres (i.e. up to 5–6-minute walk) of existing or planned high frequency (i.e. 10-minute peak hour frequency) urban bus services*’.
- 8.4.3. The applicant has argued that the site can be categorised as ‘accessible’ as peak hour bus services for the 15 and 15b have a 4-minute frequency. I have reviewed the bus timetables that are publicly available online (www.dublinbus.ie) and peak hour services for route 15b have a 4 minute frequency departing the terminus and the 15 route has a frequency of 7-9 minutes departure. This level of frequency would be in accordance with the definition of an accessible urban location. I note to the Commission that the issue of capacity and service delivery for buses has been raised in the grounds of appeal and will be addressed under a separate heading. Notwithstanding the precise definition of the site

as it relates to the Compact Settlement Guidelines, the proposed density of 80 uph is acceptable for the site which is a 'City – Suburban/Urban Extension'. Although the density is acceptable for the site, it is just one metric in the overall assessment of suitability for the proposal.

8.4.4. As previously noted, the proposal ranges in height from 3 to 5 storeys with the top storey set back at the south-western corner. The design approach allows for a four-storey elevation to Orlagh Road and with a 5-storey set back on the south-western corner, with the height tapering down to 3-storeys towards Scholarstown House to the north of Orlagh Road, and towards St. Colmcille's Community School to the east. Although the general site layout is similar to the previous proposal under **ABP-317724-23, PA Ref.**

SD22A/0401, the scale of the built form has been reduced. The four-storey elevation at the north-western extent of the building has been reduced to 3 storeys and the extent of the 5th storey set back has also been reduced. Separation distances between the building and the neighbourhood centre to the south have also been increased through the omission of an extension over the site access.

8.4.5. The report of the PO found the height to be acceptable for the site in consideration of the stepped form and façade articulation. They also considered that the proposed heights respond both positively and sensitively to the existing scale of development and height contexts within the vicinity of the development and would contribute positively to the existing streetscape. I would agree with the conclusion of the PA in this matter. Whilst the prevailing character of the area to the west and south of the site is that of low-rise housing estates mainly comprising two storey houses, the emerging pattern of development to the north is changing. To the north of the site is the four-storey apartment development of Ros Mór View (4-storeys) with the recently completed Two Oaks development to the east, which ranges in height from two storey houses to apartment blocks of six storeys facing onto Scholarstown Road. I note that Development Plan guidance on height (Appendix 10) was prepared in response to national guidance contained in the *Urban Development and Building Height – Guidelines for Planning Authorities (2018)*, (Building Height Guidelines). Section 1.9 of the Building Height Guidelines promotes the consideration of general building heights of at least three to four storeys, coupled with appropriate density, in locations outside what would be defined as city and town centre areas, and which would include suburban areas. The Guidelines recommend that this strategy is promoted in local planning policy. Section 3.2 of the Guidelines sets out the criteria under which applications

for taller buildings should be assessed. I do not consider an in-depth assessment of the proposal to be necessary in this instance. The proposed development is in accordance with the guidance to provide 4-storey development in urban locations and the proposal is in accordance with existing patterns of development in the area, such as the Two Oaks development. However, in consideration of the contextual approach recommended in Appendix 10 I consider the proposal to be suitable as it is located within an urban suburb, on a corner site on a busy roundabout and is not directly adjoining any residential development. I consider the site to be of sufficient scale to set its own character, and its location on a corner site affords an opportunity to create a new urban form and streetscape. The proposal is not of such a scale that it would impact significantly on the wider urban area. The impact of the proposal on existing residential amenity is addressed under a separate heading.

8.5. Impact on Protected Structure

- 8.5.1. Concerns were raised in the grounds of appeal regarding the impact of the proposal on Scholarstown House. Appellants argue that the scale, height, massing and proximity of the development would have a negative impact on the character and setting of the protected structure. The appeals also put forward that the AHIA was insufficient as it failed to properly assess the visual impacts. A submission was also received from the DAU which queried the historic provenance of the house, the robustness of the AHIA and recommended that specific conditions were attached should planning permission be granted.
- 8.5.2. The applicant's response to the appeal notes that the house was completely rebuilt following a fire in 1909 and now contains only a modest amount of early twentieth century architectural fabric. All surviving material will be retained, and the roof, eaves gutters, wall masonry and other historic features will be conserved in accordance with best practice to retain the distinctive appearance of the building. The PA welcomed the planned retention and conversion into two residential units. The design approach to the site layout plan was developed through discussions with the CO where a consensus was established to preserve the northeasterly aspect of the building. The massing of the apartment block to the south and west was subject to review and refinement by the CO. During pre-planning discussions, the CO reiterated that there was no objection to the proposal, which includes

a reduction in scale around the house from that proposed under the previous application. The report of the PO also notes that the CO had no objection in principle to the subject proposal during pre-planning discussions.

- 8.5.3. The AHIA submitted with the application and states that a house was located on the site from at least the 1600's. The earlier house was destroyed by fire in the 1890's and was rebuilt c. 1909. Internally the layout of the house has been altered by relocating the staircase and modernising much of the rear part of the building. The AHIA concludes that, *'Therefore, in terms of fabric and architectural heritage, the house is of limited significance but the form and location of the house, as well as existing mature planting contribute positively to the historic character of the surrounding area'*. Outbuildings to be removed are primarily of modern construction and have been little conservation value.
- 8.5.4. The AHIA contains a room-by-room schedule of interventions and works proposed to facilitate the conversion of the building into two residential units. It is evident that the works seek to minimise any interventions and to preserve remaining feature of historic value. In most cases the interventions are positive and result in the reinstatement of original features such as the relocation of the stairs to its original location. I am satisfied that the works to the protected structure will not have a negative impact on its character as it will involve the retention of remaining historic features and the reinstatement of original features such as the relocation of the stairs to its original location.
- 8.5.5. Whilst the appeal states that the existing visual impact is not included in the assessment of the protected structure, I note that the AHIA includes a photographic survey of the house, its interiors, surrounding gardens and the exterior of the site. It also contains a Conservation Method Statement for works to be carried out. The CGI images in the 'Aerial Views, CGIs and Verified Views' report also show existing and proposed images of the protected structure in the context of the wider site. Based on the information submitted, I am satisfied that there is sufficient information to make an informed decision on the impact of the proposal on the character and setting of the protected structure. Concerns were also raised about the cumulative visual impact of the proposed development. As the protected structure is not visible from outside of the site, I am satisfied that the visual impact of the proposal has been adequately detailed, as noted above. I am also satisfied that the CGI images adequately show the impact of the proposal in terms of the wider setting and area.

8.5.6. The submission from DAU raised a query regarding the historic origins of the house, as records indicate the presence of a house on the site c. 1599. As doubt exists as to the exact historical origin of the current house that can only be clarified through physical examination of the structural fabric, the submission recommends that a condition is attached should permission be granted. It is also submitted by the DAU that Section 6 of the AHIA, *Assessment of Impact*, does not adequately address the impact of the apartment block on the protected structure regarding the criteria in Sections 13.3, 13.5 and 13.8 of the *Architectural Heritage Protection Guidelines (2011)*, which relate to development within the curtilage of a protected structure. General guidance is to identify any features within the curtilage of the protected structure that would make a positive contribution to the setting, and which should be retained and/or integrated into the development. Whilst Section 6 of the AHIA does not contain a detailed assessment of the existing setting of the protected structure, it includes a comment on the existing setting of the house and notes that the existing backdrop to the house has been heavily altered with modernised farm buildings and poor quality trees to the south-western and southern portions of the site. Separately the AHIA states that, *'The site boundaries are modern in character and devoid of architectural heritage interest... In summary, it is considered that legibility of the underlying historic grain of the area within its modern urban form can be facilitated through retention of the house itself and areas of mature planting'*.

8.5.7. Having visited the site and reviewed the application details, it is clear that the original setting of the house has been eroded by urban development with little remaining of any historic boundary treatments, formal landscaping or historic gardens. The plans and particulars also indicate that the construction of the apartment block will have a significant impact on the setting of the protected structure. The apartment block will be the most dominant feature on the site and will be higher than the protected structure. This has been mitigated through the building design which steps down in height in proximity to the protected structure. The three-storey element of the building will be directly behind the PS when viewed from its primary, front elevation. Whilst the apartment block will be of a modern design with a flat roof contemporary finish the parapet height will be commensurate with the height of the roof ridge on the rear return of the house. The four storey elements are positioned to the south of the house and to the side elevation. At the closest point the separation distances between the buildings would be 8m to the building at the south and c. 10m to the 3-storey element to the west. Given the proximity to the

protected structure, the proposed building would need to comprise high quality finishes and materials. The proposed external finishes comprise brickwork to the lower levels and three storey facades with metal cladding on the upper level to break up the elevations. Variations to the roof profiles would also be provided which would add variety and interest and which would provide a juxtaposition with the historic house.

- 8.5.8. I am satisfied that the works proposed to Scholarstown House would not compromise the character of the protected structure. Whilst the existing setting for the protected structure would be compromised by the development, I am satisfied that the design considerations applied will be sufficient to mitigate against a significant negative impact on the protected structure. The reduction in scale of the building immediately to the rear of the house will reduce visual impact on the principal front elevation and the design details, including the variation of external materials, graduations in the elevations, lightweight balconies and large-scale glazing will lighten the elevations and visually fragment the overall extent of the building. I consider the separation distance of 8m between the buildings to the south to be acceptable, as the principal elevation and approach to the protected structure would be retained, which was the design strategy agreed with the PA. The constraints of the site are noted and given the planning gain to be obtained from the development of a zoned, infill site in an urban area for the delivery of 55 residential units, I consider the balance of a degree of compromise to the setting of a protected structure to be acceptable.
- 8.5.9. Notwithstanding the comments received from the DAU and the grounds of appeal regarding the AHIA, I consider the information presented to be sufficient to make an informed decision on the overall impact of the development on the protected structure. The plans and particulars include existing and proposed elevations and visuals, and the AHIA includes a photographic survey of the house and a room-by-room inventory of the works proposed to the PS. Furthermore, I note that, whilst there is no report on file from the CO, both the report of the PO and the applicant state that the proposal was supported by the CO during pre-planning consultations. Should the Commission be minded to grant permission for the development, I recommend that the conditions in the DAU, which relate to archaeology and the provenance of the house, are attached as presented.
- 8.5.10. The grounds of appeals submit that the proposal did not consider any alternative design option which may have had a lesser impact on the protected structure. Both the previous application and the subject proposal contained information about pre-planning

consultations with the PA and the comments of the CO. In my view the consideration of alternatives for the site was demonstrated through engagement with the PA through pre-planning consultations and through the iterative design process that included the previous application for the site.

8.6. Traffic & Transport

- 8.6.1. Third party submissions raised a number of concerns regarding traffic and transport, which relate to the suitability and safety of the proposed access to the Orlagh Road, the impact of traffic from the development on the roundabout, the validity of the Traffic and Transport Assessment, (TTA), and the capacity of public transport in the area. The issues raised will be addressed under the following sub-headings.

Legality of the TTA.

- 8.6.2. The grounds of appeal included a submission which questioned the legality of works carried out to modify the layout of the Scholarstown Roundabout. It was submitted that the TTA relied on traffic information gathered from the roundabout. As the legality of the works to the roundabout was questioned, the reliability of the information feeding onto the TTA was questioned. The appellant lodged a Section 5 declaration with the PA (ED26/0027) regarding the works carried out the roundabout, (which included including the removal of a traffic lane, reconfiguration of junction, installation of traffic signals, provision of pedestrian and cyclist infrastructure and associated ancillary and landscaping work) and requested that the Commission delay a decision on the appeal pending the outcome. A decision was issued by the PA on the 13th of April 2026 which declared the works to be exempt development under Section 38 of the Road Traffic Act 1994 (as amended). The PA determined that the need for environmental assessment and AA was excluded at preliminary examination having regard to the nature, scale and location of the works.
- 8.6.3. Notwithstanding the findings of the Section 5 declaration, I do not agree with the logic applied by the appellant regarding the legality of the works and the subsequent reliability of the information in the TTA for the following reasons. The roundabout is outside of the red line boundary of the development, and no works are proposed to the roundabout as part of the development. Any modifications to the roundabout were carried out under a separate process and have no bearing on the development. The conclusions of the TTA were determined by carrying out traffic counts and feeding the results into traffic models based

on industry guidelines. The baseline information was determined through surveys on the existing traffic conditions, which included works carried out to the roundabout to improve pedestrian and cycle facilities. The legality of the works has no bearing on the proposed development which is on a separate site. The appellant argues that the works to the roundabout made traffic in the area worse may have merit, however, these conditions would have been included in the baseline conditions in the TTA and would have formed part of the traffic models. The results of which are discussed below.

TTA Results

- 8.6.4. A Traffic and Transport Assessment (TTA) was prepared for the development and submitted with the application. Further information was requested by the PA regarding traffic counts and revisions to the design of internal roads and pedestrian facilities. The TTA was based on the provision of 57 residential units, (16 no. 1-bed, 27 no. 2-bed and 14 no. 1-bed units), 44 no. car parking spaces and 141 no. cycle spaces, and was carried out in accordance with the TII's 2014 publication "*Traffic and Transport Assessment Guidelines*" and the "*Guidelines for Traffic Impact Assessments*" as published by the Institution of Highways & Transportation U.K. in 1994.
- 8.6.5. Traffic counts were carried out in March 2025, and these surveys informed the baseline conditions. When the traffic counts were carried out, works to the Scholarstown roundabout had been carried out and the development of 590 residential units at the Two Oaks development (which includes Beechpark and Maryfield blocks) to the north-east of the site, was completed and operational. Using the TRICS software package the number of trips generated by the development was determined. The potential impact on traffic movements on Orlagh Road and the Scholarstown roundabout was then modelled using the LinSig software to assess the proposed access junction on Orlagh Road and Arcady software to predict the impact and capacity at the roundabout. Traffic models were generated at the Opening Year of 2027, the Opening Year +5 years = 2032, and the Opening Year +15 years = 2042.
- 8.6.6. The assessment for the development access on Orlagh Road for the year 2042 found that the maximum degree of saturation occurs on the northbound lane of Orlagh Road, towards the roundabout (Arm 5). The Degree of Saturation (DoS) is used to measure the acceptability of junction design and the capacity of existing junctions. In general, a DOS of

85% or less for controlled junctions is considered acceptable during the peak periods. A reserve capacity of 15% is considered by traffic engineers to be the level of reserve capacity at a junction required to cater for periods of unusually high traffic flows such as bank holiday weekends, public entertainment, and sporting events etc. The DoS at Arm 5 of the junction (traffic travelling north towards the roundabout from the development) was predicted to be only 10.9% with a mean maximum car queue length of 0.1 vehicles for the morning peak hour of 08:25 09:15. The degree of saturation for traffic exiting the Development is measured at only 4.2%.

- 8.6.7. For the Scholarstown Roundabout, the Arcady traffic analysis shows that the maximum degree of saturation increases over time for the design years 2027, 2032 & 2042. The results found that the roundabout is operating within capacity for all design years 2027, 2032 & 2042 and that no modifications to the roundabout are required to facilitate the proposed development. In the design year 2042, the maximum degree of saturation occurs on Arm A - Scholarstown Road North, where the degree of saturation is measured at 80.20% with a mean maximum car queue length of 3.9 vehicles for the evening peak hour 16:30-17:30. For the same year, the Orlagh Road arm of the roundabout has a degree of saturation of 34.0%.
- 8.6.8. Although the PA requested updated traffic counts under FI, the applicant was satisfied that the counts had been carried out within 6 months of the date the application was submitted as permitted. Instead, the applicant reviewed the assumptions used for trip generation from the development and revised the traffic models based on the assumption that 100% of the trips generated by the development will turn right and travel towards the roundabout. (Previous models assumed that 50% would turn left). The revised TTA (dated September 2025) found that the more conservative assumptions of all traffic from the development turning right, found the similar outcomes for the site access. For the year 2042, LinSig analysis found that the maximum DoS occurs at Arm 5, Orlagh Road where the DoS is measured at 11.6% with a mean maximum car queue length of 0.1 vehicles for the morning peak hour. The DoS for traffic exiting the development was measured at 4.2%. Both results were within the recommended capacity of 85%.
- 8.6.9. The revised analysis for the roundabout shows that the maximum DoS increases over time for the design years 2027, 2032 & 2042. The Arcady traffic analysis shows that the maximum degree of saturation for the morning peak hour occurs on Arm B Scholarstown

East. The degree of saturation is measured at 91.10% with a mean maximum car queue length of 8.8 vehicles. The maximum degree of saturation for the evening peak hour 16:30-17:30 occurs on Arm D St Colmcille's Way R113 at 88.7% for the design year 2042. The Orlagh Road arm of the roundabout has a maximum degree of saturation of 83.5% in the design year 2042. Overall, the revised TTA found that the roundabout would operate within or at capacity for all design years 2027, 2032 & 2042. No modifications to the roundabout are required to facilitate the proposed development.

8.6.10. Having reviewed the information at hand, which includes the original and updated TTA's and the applicant's response to the appeal, I am satisfied that the TTA was carried out in accordance with the relevant industry guidance as referenced above, and that the conclusions are robust. The baseline conditions were determined from traffic counts which included modifications to the Scholarstown roundabout and recently completed development at Two Oaks to the northeast of the site on Scholarstown Road. The traffic counts determined the morning and evening peak times. Therefore, I am satisfied that the existing traffic conditions, including queue lengths and any congestion at the roundabout, were considered and included in the traffic models generated. Furthermore, the TTA allows for cumulative impacts of development through the inclusion of traffic growth rates in the assumptions for the design years of 2032 and 2042. I am also satisfied that the results of both TTA's demonstrate that, under conservative traffic modelling assumptions, the Scholarstown Roundabout would continue to operate within capacity and that the proposed junction at Orlagh Road would not significantly impact on existing traffic conditions. I note that the PA had no objection to the development with regard to traffic impacts.

Proposed Site Access

8.6.11. Concerns were raised by appellants regarding the location of the site access on Orlagh Road and the potential for traffic movements at this location to impact on safety. The appeal puts forward that access from the Scholartown Road would be more appropriate as this road is a higher order category in the road hierarchy than Orlagh Road. Under Table 3.1 and Figure 3.3 of the *Design Manual for Urban Streets and Roads*, Scholarstown Road would be categorised as a Link Road, which provides links between centres, neighbourhoods and/or suburbs. Orlagh Road is a 'Local Street' that provides access within communities.

- 8.6.12. The applicant's response to the appeal states that an entrance onto Scholarstown Road was considered but was discounted due to the potential impacts on traffic. Traffic turning right into the development would cause blocking on Scholarstown Road which would impact on the capacity of Scholarstown Roundabout. Therefore, access from Orlagh Road was the preferred option. I accept the reasons for the preferred access location put forward by the applicant. I also note that the design considerations to reduce the impact on the protected structure favoured preserving the setting of the house when viewed from the north. This design constraint would also feed into the overall layout of the site.
- 8.6.13. Regarding the safety of the site access, third parties raised concerns about potential conflict at the access between vehicles, pedestrians and cyclists, as well as other vehicles accessing the neighbourhood centre. Drawings submitted with the application show that adequate sightlines can be provided at the access point. Drawing SH-DA-P01 – Development Access, submitted with FI, demonstrates that sightlines of 24m can be achieved from a point 2.4m from the road edge to the north and south centreline on Orlagh Road. This distance is in accordance with the recommendations in DMURS for sightlines on roads with a speed limit of 30 kmph. A raised pedestrian crossing and stop signs would be installed at the access point to ensure pedestrian priority at the junction. A Stage 1 Road Safety Audit (RSA) was also prepared for the development. The FI response states that all issues identified in the RSA were addressed and included in the updated FI drawings. The applicant states that all road safety items will be further reviewed and included in the detailed design package for construction. It is standard practice for a Stage 2 and Stage 3 RSA to be carried out should permission be granted. Additional measures to be implemented include the provision of double yellow lines along Orlagh Road to prevent parking and to ensure sightlines are preserved. To prevent vehicular conflict with movements to and from the neighbourhood centre, the applicant has proposed to install traffic management measures such as yellow lines and road markings that would help to regulate the environment and to ensure one-way movements into and out of the shops and to ensure sufficient sightlines from the development.
- 8.6.14. I am satisfied that the site access has been designed in accordance with the DMURS, with regard to sightlines, (Section 4.4 of DMURS relates), the provision of pedestrian priority at the junction and that sufficient signage and road markings will minimise any potential conflict between vehicles and pedestrians.

Parking and Public Transport

- 8.6.15. Third parties raised concerns regarding the level of parking proposed for the development and the capacity of public transport to cater for additional population. The appeal submitted low level of car parking is not justified by credible evidence of existing or operational public transport capacity and will result in overspill parking in surrounding areas. Existing problems with the bus service result in an unsatisfactory level of service for existing passengers and buses are also full before reaching the stops at Scholarstown during peak hours.
- 8.6.16. The site is currently served by the S8 and 15 bus routes. The S8 is an orbital route which was delivered under route changes for Bus Connects and which has a stated weekday frequency of 15 to 20 minutes. The No. 15 travels along a north-south route through the city centre and has a stated peak hour frequency of 4 minutes during peak times, and 5-12 minutes off peak. Third party submissions put forward that the level of parking provided in the development was not justified based on the level of public transport available. Table 12.26 of the Development Plan contains the car parking standards for residential development in the county. The plan states that the car parking standards are maximum standards and a lower rate of parking may be acceptable subject to inter alia, the proximity and quality of public transport, proximity to services, opportunity for linking trips and general traffic conditions in the area. A total of 44 car parking spaces, which includes 2 no. visitor spaces and 2 no. mobility impaired spaces, would be provided in the development. This would yield a ratio of 0.76 car spaces per apartment. The maximum level of car parking in the more restrictive parking Zone 2 is 0.75 – 1.25 spaces per unit. The PA were satisfied with the level of car parking provided on the results of the TTA and the low level of trips generated by the development.
- 8.6.17. National planning policy promotes a lower level of car parking where public transport is available. Section 4.6 of the *Planning Design Standards for Apartments (2025)* states that, *'Having regard to the types of location in cities and towns that may be suitable for apartment development, car parking ratios should be minimised, substantially reduced or wholly eliminated at locations that have good access to urban services and to public transport'*. The provision of alternative mobility options, such as car clubs, is also promoted. This approach also reflects the Compact Settlement Guidelines whereby a reduction in the level of car parking spaces to be provided in urban areas is advocated,

(Section 5.3.4). SPPR 3 of the Guidelines requires that, *'In city centres and urban neighbourhoods of the five cities, defined in Chapter 3 (Table 3.1 and Table 3.2) car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling. In accessible locations, defined in Chapter 3 (Table 3.8) car-parking provision should be substantially reduced. The maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 1.5 no. spaces per dwelling'*.

8.6.18. I am satisfied that the reduced level of parking for the development is in accordance with national and local planning policy. Parking standards contained in Table 12.26 of the Development Plan are maximum standards and based on the low level of trip generation from the development, the PA were satisfied with the level of parking proposed. National planning policy in the Apartment Guidelines and the CSG promote the minimisation of parking provision in urban areas that are served by public transport. The subject site is within walking distance to the existing bus routes that travel in an east - west and north - south direction with a timetable that indicates good frequency. Third party submissions state that existing bus services are not satisfactory and are frequently at capacity during peak hour times. The response from the applicant notes that Councillors have raised the issue of unsatisfactory bus services with the NTA and correspondence from the NTA regarding this matter was appended to the response. Whilst there may be issues with the current bus service, the NTA are aware of this and have committed to reviewing and improving the service. I note that the quality of the ongoing bus service is outside the remit of the Commission and of this appeal. I am satisfied that, based on the reported correspondence between SDCC Councillors and the NTA, the service provider is aware of the issue and will seek to address it. The future delivery of Bus Connects will provide additional services and frequency to the area. In the interim, I am satisfied that the level of parking proposed is justified based on the existing provision of public transport in close proximity to the site, the urban location of the site and the low levels of trip generation predicted for the development.

8.6.19. Whilst the appellants argue that the TTA did not have sufficient regard to existing traffic conditions, I am satisfied that the baseline conditions used included up to date information on local traffic which included any changes to the layout of the roundabout and recently

permitted and completed developments in the area. I am also satisfied that the assumptions made in the traffic modelling were in accordance with the relevant industry guidance (TII guidance) and were sufficiently robust and conservative to provide an accurate assessment of the predicted traffic impact from the development. I note that the PA had no objection to the proposal in terms of traffic and the results of the TTA were accepted. To this end, I am satisfied that the impact of traffic from the proposal on the operation of the roundabout was considered and properly assessed.

8.7. Residential Amenity

- 8.7.1. Third parties expressed concerns about the impact of the proposal on existing residential amenity in terms of overlooking, loss of privacy and loss of daylight and/or sunlight.

Overlooking / Loss of privacy

- 8.7.2. Given the layout of the proposed development, the houses most likely to experience direct impacts from the development would be No. 19 Orlagh Green and No. 22 Orlagh Crescent. These properties are the closest in proximity to the site and the side elevations of both properties would face onto the south-eastern corner of the apartment block. Both properties have a c. 2m high blockwork wall directly adjoining the public footpath. No. 22 Orlagh Crescent would be the closest in proximity to the block. At the closest point, there would be a separation distance of 20m between the elevations of both buildings. Section 12.6.7 of the Development Plan recommends a separation distance of 22m between opposing windows as a benchmark but also allows for shorter distances where the design and layout would protect privacy. The Apartment Guidelines 2025 refer to the Compact Settlements Guidelines in this matter. SPPR 1 of the Compact Settlement Guidelines states that Development Plans shall not provide for separation distances above 16m between opposing windows and that 16m should be a minimum requirement unless design considerations would ensure privacy. The Guidelines also state that there shall be no specified minimum separation distance at ground level or to the front of houses, duplex units and apartment units in statutory development plans and planning applications shall be determined on a case-by-case basis to prevent undue loss of privacy.
- 8.7.3. Both existing properties have windows at first floor level on the gable elevation facing Orlagh Road. The windows appear to serve bedrooms which would make them 'habitable rooms'. I note that the separation distances between opposing windows would be in

excess of 16m which is acceptable under SPPR 1 of the CSGs. Third parties were also concerned about overlooking to gardens from the apartments. The apartments along the western site boundary would have balconies facing onto Orlagh Road. Balconies at first, second and third floor levels for the three most southerly apartments in the block, would face towards No. 22 Orlagh Crescent. The orientation and distance of the most northerly balconies in the block would prevent overlooking. The only balcony facing towards No. 19 Orlagh Green would be the 4th floor balcony which faces south. However, I am satisfied that the distance from the property and the orientation of the 4th floor balcony would be sufficient to prevent overlooking of the rear of No. 19. I am also satisfied that the separation distances provided between the proposed building and the gable elevation of No. 22 would be sufficient to prevent overlooking or loss of privacy. Furthermore, I note the presence of a 2m blockwork wall and existing street trees on each side of road which will be retained. Both elements would disrupt any direct sightline trajectory from balconies towards existing properties.

Daylight and sunlight

- 8.7.4. In terms of loss of daylight and sunlight, the applicant has submitted a Daylight and Sunlight assessment study which assessed the impact of the proposal on the daylight, sunlight and sun on the ground to the surrounding properties at Orlagh Green, Orlagh Crescent, Rossmore Lodge and Ris Mór View and St. Colmcilles school. The assessment was carried out in accordance with the BRE Guidelines (BR 209, (2022)) which the consultants considered to be the most appropriate guiding document for daylight and sunlight assessment. For daylight within proposed developments, a supplementary study has also been carried out under the criteria of I.S. EN 17037.
- 8.7.5. Daylight to existing properties was assessed using the Vertical Sky Component (VSC). Sunlight to surrounding properties was assessed using the Annual Probable Sunlight Hours (APSH), with an additional assessment carried out for the impact on sunlight during the winter hours (WPSH). A Sun on the Ground assessment predicted the impact on the proposal on the level of daylight to the amenity spaces of existing properties. The methodology and test results are contained in full in the assessment report. I have reviewed the report and am satisfied that the assessments were carried out in accordance with the appropriate guidance and that the results are suitably robust. The results of the assessments found that there would be a minor reduction in the level of daylight to some

windows at the side and rear of No. 19 Orlagh Green and to some windows at No. 22 Orlagh Crescent. However, any reductions were minor in nature, and all windows were found to be within the recommended BRE values for VSC. Similar results were found for sunlight impacts. There would be minimal impact on the level of daylight (APSH and WPSH) for the properties at Orlagh Crescent and Orlagh Grove and all properties would remain within the recommended BRE values for APSH and WPSH. The overall effect of the development on daylight and sunlight was deemed to be negligible. The Sun on the Ground assessment also found that the proposal would have a negligible impact on the level of sunlight to amenity spaces when measured on the recommended day of the 21st of March.

8.7.6. Shadow studies were carried out for the indicator dates of the 21st of March and the 21st of June, which are industry standards. The results show that the properties on Orlagh Crescent, (No's 20 and 22) would experience some additional overshadowing in the morning hours (between 7 and 10 am) on the 21st of March, and the morning hours of the 21st of June (between 6 and 9am). There would be no additional overshadowing to the properties on Orlagh Crescent and Orlagh Green from the development on the 21st of December. Existing development to the north and east, (Ros Mór and St. Colmcilles School) would not experience any appreciable overshadowing from the development.

8.7.7. I note the assertion of the third parties that the overarching zoning objective for the site seeks to protect existing residential amenity and that the subject proposal would fail to do that. Having visited the site and reviewed the plans and particulars of the development, including the Daylight and Sunlight Assessment, I am satisfied that existing properties will not experience any significant negative impacts in terms of loss of privacy, overlooking, loss of sunlight and/or daylight, and overshadowing as a result of the proposed development. I consider that, in combination with the results of the TTA, which found that the proposal would have minimal impact on existing traffic levels, the proposed development would not result in any undue loss of residential amenity from the proposed development. Therefore, the proposal is in accordance with the RES zoning objective for the site.

8.8. Biodiversity & Ecology

- 8.8.1. The grounds of appeal put forward that the impact on biodiversity and ecology from the loss of mature trees throughout the site, will not be mitigated through replacement planting. It was also submitted in the appeal that the application fails to address the impact of the proposal on bat and bird populations, ecological corridors, surface water pathways to the Dodder catchment and Dublin Bay SACs and cumulative effects with other developments. Issues relating to European sites (SPA & SAC) such as surface water pathways to the Dodder and Dublin Bay, are addressed under Section 9.0 which deals with AA Screening. Other issues relating to biodiversity and ecology are assessed as follows.
- 8.8.2. The application was accompanied by an Ecological Impact Assessment, (EclA), an AA Screening Report, an Arboricultural Report and a Landscape Masterplan. The EclA found that the site had limited ecological value. No habitats of conservation significance were found within the site and no plant species protected under Irish or international law, or rare or threatened species were found. The site was surveyed for badger and otter activity, but none was found. No protected terrestrial mammals were noted on the site or in the vicinity of the site. The EclA noted that it is unlikely that otters are present on the site given the lack of nearby watercourses. Third parties referred to the potential for otters in the Woodstown Stream. Publicly available maps show that this stream is approximately 350m to the south of the subject site with any open flowing water on the other side of the M50. The stream appears to be culverted under the M50. Given the location of the stream and the length of the culverted sections it is unlikely that there would be any ecological connections between the stream and the subject site.
- 8.8.3. Bat surveys were carried out in 2022 for the previous application and in 2025 for the subject application. During the 2022 surveys, two bat species were noted foraging onsite during the 2022 survey. No bats were found to be roosting on the site, and no bats were detected emerging from trees or adjacent buildings on site.
- 8.8.4. In the 2025 surveys, one bat species was noted foraging on site (common pipistrelle). No evidence of bats or bat roost were identified in any of the onsite trees or buildings and no bats were observed emerging from onsite trees or structures on or proximate to the subject site. Bat detector surveys identified a single Lesser Noctule (*Nyctalus leisleri*) bat foraging briefly over the grassland area to the southeast of Scholarstown house in the

vicinity of the treeline. During the 10th of April 2025 survey, three Common Pipistrelle's were noted foraging onsite along the eastern boundary treeline. As no evidence of bats or bat roosts were identified in any of the onsite trees or buildings, a derogation licence is not required. Some mature trees were identified as having low bat roost potential. It is recommended that these trees are inspected prior to felling.

8.8.5. The EclA concluded that the proposed development is not in proximity to sensitive bat areas, the potential for collision risk and impact on flight paths in relation to bats is low due to the low level of bat activity on site and the buildings would be clearly visible to bats. Surveys also confirmed that no bat roosts will be lost. With regard to impacts, the report acknowledged that the proposed development would change the local environment as outbuildings and barns are to be demolished, trees are to be felled, and new structures are to be erected. The development is also likely to displace bats from foraging at the site during construction and operation. However, based on the small number of common species found using the site, the displacement from this site will not have any significant effect on local bat populations. The presence of St. Colmcille's Community School to the south of the site, which has significant floodlighting, is also noted. Mitigation measures include the provision of bat foraging corridors in the landscaping phase, and the installation of bat friendly lighting is used.

8.8.6. Three separate bird surveys were carried out. A total of 17 species were recorded within the survey area across three surveys as well as a building check. Of these species, goldcrest and herring gull, are amber listed BoCCI. The remaining species are all green listed BoCCI. No red listed BoCCI were recorded. Breeding bird surveys found that three green-listed bird species of conservation concern were recorded breeding within the proposed site outline, dunnoek, woodpigeon and wren. One amber-listed bird species of conservation concern (goldcrest) was recorded breeding within the proposed site outline. The EclA concluded that the proposed development will result in a long-term low adverse effect on breeding birds due to habitat loss and site clearance could impact on bird nesting. Mitigation measures were recommended and include carrying out any vegetation clearance outside of the nesting period and providing trees and landscaping for foraging and nesting.

8.8.7. I accept the arguments put forward by the appellants that the loss of mature trees will impact on existing habitats on the site and will be difficult to recreate following

development. The Landscape Design Report states that a total of the 96 trees on the site, 75 will be removed. The Arboricultural Report states that 7 of the trees to be removed are in poor health and are recommended for removal regardless of any development taking place on the site. A further 14 trees form a single block of early mature leylandii trees of low arboricultural and biodiversity value. Most trees to be removed (33) are graded as category C low quality and 17 trees are of category U low quality.

- 8.8.8. Whilst the majority of trees to be removed are of low and poor quality; the Arboricultural Report notes that due to their large size and prominent location, they are of visual public amenity value, and their loss will have a moderate impact on the appearance of the surrounding landscape. In addition, considering the number of trees to be removed, there will also be an initial impact on the canopy cover of the immediate local area. A landscape plan has been designed for the development and includes new tree and hedgerow planting along the site boundaries. The Arboricultural Report notes that the replacement planting will reduce the visual impact resulting from the loss of trees but given the change of use of the site, it is unlikely to completely replace the overall loss of canopy cover.
- 8.8.9. In accordance with Section 12.4 of the Development Plan, a Green Infrastructure (GI) Plan was prepared as part of the Landscaping Masterplan. The Development Plan also requires that new developments carry out an exercise to assess the Green Space Factor (GSF) of the development. The GSF is a score-based requirement that establishes minimum standards for landscaping and GI provision in new developments. The full calculation of the GSF for the subject development is set out in the Landscape Design Report for the development. The Development Plan requires a minimum score of 0.5 for the site and the development was found to have a GI score of 0.53, which is acceptable
- 8.8.10. The proposed development will have a significant impact on habitats within the site by virtue of the extent of tree and vegetation removal proposed. However, no habitats, species or flora of conservation value were found during the site surveys. The site was determined to be of local value only for ecology. The EclA recommended that measures be taken during the construction and operational phases to mitigate the effects of the development on the biodiversity of the site. These included carrying out a pre-construction survey for terrestrial mammals of conservation importance, ensuring that external lighting during the construction and operational phases was designed in accordance with the External Lighting Study submitted with the application to prevent disturbance to foraging

bats and to carry out site clearance outside of the bird nesting season. The Landscaping Masterplan states that planting is selected to promote biodiversity and notes that trees to be retained are along the site boundary which helps to maintain ecological corridors. Whilst the landscaping plan will not fully replace the number of mature trees to be removed, it is noted that many trees were of poor quality and of poor ecological value, (such as Leylandii). Biodiversity value of the site will improve as landscaping matures.

8.8.11. The grounds of appeal raised a concern regarding the impact of the proposal on ecological corridors. However, the appeal did not refer to the specific ecological corridors in mind. As the site is bounded by a blockwork wall terrestrial connection to other sites are limited. There are no watercourses on the site so there are no hydrological connections to and from the site. The potential for foraging and commuting routes for bats and birds is present given the existing treelines along the site boundary, some of which will be retained. The EclA notes that changes to the local environment is likely to displace bats from foraging at the site during construction and operation. However, due to the small number of bats found foraging on the site, it will not have a significant effect on bat populations. Bat foraging would be expected to continue on the site, albeit at a lower level until landscaping matures.

8.8.12. Cumulative impacts are considered in the EclA and include a review of extant and completed permissions in the vicinity of the subject site. A review of the projects found that cumulative effects on biodiversity, with other existing and proposed developments in proximity to the application area, would be unlikely, neutral, not significant and localised. It was concluded that *'no significant effects on biodiversity will be seen because of the proposed development alone or in combination with other projects'*. Having reviewed the application and visited the site, I am satisfied that the impact on existing ecology on the site, which is within an urban area, has been properly assessed and was informed by appropriate surveys which were carried out at the correct times and in accordance with the appropriate guidance, (as referenced in the individual reports). I am also satisfied that the cumulative impact of the proposal was considered in the EclA and that adequate mitigation measures are proposed for the construction and operational stages of the development.

8.8.13. Whilst the loss of mature trees in an urban setting is regrettable, I am satisfied that based on the surveys carried out, that the removal of these habitats will result in a loss of species and habitats of low biodiversity importance. The area is not deemed to be an important

foraging area for terrestrial mammals or birds of conservation importance. The landscaping proposed was selected to contribute to the ecology and biodiversity of the area and mitigation measures are proposed for the construction phase.

8.9. Other Issues

- 8.9.1. Additional issues raised by appellants include information regarding Uisce Éireann connections, lack of sufficient documentation with the application, impact on existing services and climate.
- 8.9.2. I have reviewed the plans and particulars submitted with the application and I am satisfied that sufficient details were provided to make an informed decision on the proposal. It is within the remit of the PA to inform the applicant about the level of documentation required in the application. In this instance, pre-application consultations were carried out with the PA, which guided the level of detail required for the application. Further information and clarification of information was also requested during the application process. Reference was made in the appeal to a lack of information on air, noise, archaeology and climate specifically. The subject site is not in an area designated to be archaeologically sensitive in the Development Plan and does not have any National Monuments within the boundaries. The PA did not request a separate archaeological report or assessment.
- 8.9.3. The submission from the DAU notes an ambiguity about the age of the house and to that end recommends that a condition is attached to any permission to ensure that archaeological monitoring is carried out. Given the context and location of the site, I consider this to be sufficient. Measures to mitigate air and noise impacts during the construction stage are contained in the CEMP and are standard construction practices. I am satisfied that further detailed consideration on these matters is not warranted due to the nature and scale of the development, which will employ standard construction methods. Furthermore, standard planning conditions would ensure mitigation of these issues during the construction phase.
- 8.9.4. Third parties submitted that the development would have a negative impact on existing services in the area, which are at capacity. The applicant responded to this assertion by noting the proximity of existing services to the site and by stating that the claim was not substantiated. I accept that the additional population will lead to a demand for additional services in the area. However, I also acknowledge the location of the site, within an urban

suburb that is currently served by a range of services, which include a neighbourhood centre and school directly adjoining the site. The proposed development is also well connected to neighbouring urban centres should specific services be unavailable. Therefore, I am satisfied that the site will have sufficient access to services and by virtue of the scale of the development, it is unlikely to result in the unavailability of existing services currently in use by local residents. Regarding climate, I am also satisfied that the policies and objectives of the Development Plan, that promote compact development on urban sites, seek to minimise the impact of development on climate. Building regulations also require energy efficiency during the construction and operational phases which mitigate climate impacts. I note that the PA requested a Building Life Cycle report during FI. Section 2 of this report sets out the measures to reduce costs for future residents and include a suite of energy efficiently measures designed into the building.

8.9.5. The grounds of appeal object to the issuing of a decision in the absence of written confirmation from Uisce Éireann that water and wastewater services for the site are feasible. The applicant notes that the application included a copy of the Pre-Connection Enquiry for the development. Subsequently a Confirmation of Feasibility was issued for the development which states that connections to the development can be accommodated without major upgrades. Furthermore, the submission from Uisce Éireann to the PA requested that the applicant enter into a connection agreement 'prior to the commencement of development', which does not restrict the issuing of a decision. I have reviewed Uisce Éireann's capacity register which notes capacity for wastewater and water services for the area. I am satisfied that correspondence from Uisce Éireann confirms that the development can be accommodated.

9.0 AA Screening

9.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the South Dublin Bay SAC (IE000210) or the South Dublin Bay and River Tolka Estuary SPA (IE004024) in view of the

conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The nature and scale of the proposed works.
- The location of the site and the separation distance from the subject site to the European Sites.
- The lack of connections between the sites. Insert text from AA Template 1 Screening Determination or Template 2 as appropriate.

10.0 **Water Framework Directive**

An assessment of the proposed development has been undertaken in accordance with Article 4 of the EU Water Framework Directive (2000/60/EC), as transposed by the European Communities (Water Policy) Regulations 2003, as amended, and with regard to the Eastern/South Eastern River Basin Management Plan 2022–2027.

The receiving water environment has been identified and assessed, see Table 1 attached. Having regard to the nature, scale, and location of the proposed development, and the mitigation measures incorporated into the design and proposed in the CEMP for the construction phase, it is concluded that the proposed development will not:

- Result in deterioration of the ecological, chemical, or quantitative status of any relevant surface water or groundwater body;
- Increase pollutant loading or alter the hydrological regime of any receiving Watercourse.

11.0 **Recommendation**

11.1. I recommend that permission is granted for the development.

12.0 **Reasons and Considerations**

Having regard to the nature of the development for the construction of 55 apartments on an infill site in the urban suburb of Scholarstown, and within the curtilage of Scholarstown House, a Protected Structure (RPS Ref. 322), it is considered that the proposed

development would be in accordance with the South Dublin County Development Plan 2022-2028 and with the provisions of the South Dublin Building Heights and Density Guide in terms of density and height. It would also be in accordance with national planning policy as set out in the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities and the Urban Development and Building Height Guidelines for Planning Authorities (2018). It is also considered that the proposed development would not result in any significant negative impact on the character and setting of the Protected Structure by virtue of its design, positioning and external finishes, and as such would be in accordance with the policies and objectives of the South Dublin County Development Plan 2022, and in particular, with NCBH – Objective 2. The proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 12th of September 2025 and the 21st of November 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>a) The pedestrian access point in the northeastern corner of the site (proposed under FI) shall be omitted.</p>

	<p>b) The living room window of proposed 'Unit 1' located on the southeast elevation of Scholarstown House fitted with obscure glazing.</p> <p>c) Screening shall be provided to the relevant balconies to prevent overlooking of Scholarstown House.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of residential and visual amenity and in the interests of the proper planning and sustainable development of the area.</p>
3.	<p>Prior to the commencement of the development, the applicant, owner of developer shall submit a play plan with an additional 2 no. pieces of equipment such as a flat swing and cradle swing to bring the playspace up to a LEAP (Local Equipped Area of Play) for the written agreement of the Planning Authority (Public Realm).</p> <p>Reason: In the interests of the residential amenities and public health</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity</p>
5.	<p>Each permitted residential unit shall be used and occupied as a single dwelling unit for residential purposes and shall not be sub-divided or used for any commercial purposes, without a specific grant of planning permission for same (including short-term letting).</p> <p>Reason: To prevent unauthorised development.</p>
6.	<p>Prior to the commencement of development on the Protected Structure the applicant/developer shall submit, for the written agreement of the planning authority, a detailed method statement covering all works proposed to be carried out, including:</p>

	<p>(a) a full specification, including details of materials and methods, to ensure the development is carried out in accordance with current Conservation Guidelines issued by the Department of Arts, Heritage & the Gaeltacht,</p> <p>(b) methodology for the recording and/or retention of concealed features or fabric exposed during the works,</p> <p>(c) details of features to be temporarily removed/relocated during construction works and their final re-instatement,</p> <p>(d) protection of features during the construction works,</p> <p>(e) materials/features of architectural interest to be salvaged,</p> <p>g) details of the replacement of any brickwork or any works of re-pointing which shall be undertaken so that it matches the original existing wall finish,</p> <p>(h) details of the existing roof slates, chimney stacks and pots which shall be retained, any replacement roof slates shall match the existing,</p> <p>(i) details of the remaining rainwater goods and bargeboard which where possible shall be repaired and reused, the replacement of which (if any) shall match the original in terms of design and materials,</p> <p>(j) details of replacement windows which shall be modelled on surviving windows and shall match them in dimensions, opening mechanism, profiles and materials;</p> <p>Reason: In the interest of the protection of architectural heritage [in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning</p>
7.	<p>Proposals for an estate numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the</p>

	<p>development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.</p> <p>Reason: In the interests of urban legibility and to ensure the use of locally appropriate placenames.</p>
8.	<p>Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
9.	<p>Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following: collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.</p> <p>Reason: In the interest of residential amenities, public health and safety and environmental protection.</p>
10.	<p>The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>Reason: In the interest of public health.</p>

11.	<p>Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within the landscape plan. Such lighting shall be provided prior to the making available for occupation of any residential unit.</p> <p>Reason: In the interest of amenity and public safety.</p>
12.	<p>The landscaping scheme as submitted to the planning authority on the 20th of June 2025 shall be carried out within the first planting season following substantial completion of external construction works. Additional tree planting shall be included in the overall scheme with details to be agreed in writing with the planning authority.</p> <p>In addition to the proposals submitted in the scheme the developer shall submit, for the written agreement of the planning authority, details of a revised play area to include provisions for more imaginative, constructive and active play with universally accessible play areas.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
13.	<p>Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum radius of two metres from the trunk of the tree or centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.</p>

	<p>No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.</p> <p>Reason: In the interest of visual amenity and to protect trees and planting during the construction period</p>
14.	<p>All mitigation measures in the EclA shall be implemented in full.</p> <p>Prior to the commencement of development, the site shall be surveyed for mammals and/or protected species. Any disturbance to badger setts or any other protected species, on site shall be in a manner to be agreed in writing with the planning authority on the advice of a qualified ecologist.</p> <p>Hedges and trees to be removed from the site shall not be felled or removed during the nesting season, (i.e. March 1st to August 31st).</p> <p>Reason: In the interest of biodiversity and nature conservation.</p>
15.	<p>Prior to the commencement of development, a bat survey shall be carried out on the site and the results of the survey shall be submitted in writing to the Planning Authority.</p> <p>Should the presence of bats or bat roosts be found on the site detailed measures in relation to the protection of bats shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. These measures shall be implemented as part of the development. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.</p> <p>Reason: In the interest of nature conservation and wildlife protection.</p>
16.	<p>The developer shall engage a suitably qualified licence eligible archaeologist (licensed under the National Monuments Acts) to carry out</p>

	<p>pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance and/or construction works. The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.</p> <p>Reason: To ensure the continued preservation either in situ or by record of places, caves, sites, features or other objects of archaeological interest.</p>
17.	<p>The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be landscaped in accordance with the landscaping scheme submitted to the planning authority on the 20th of June 2025. This work shall be completed before any of the dwellings are made available for occupation unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.</p>

18.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
19.	<p>The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths, and kerbs, shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
20.	<p>The developer shall comply with the following requirements of the Planning Authority,</p> <ul style="list-style-type: none"> a) The developer shall submit a revised road and car park layout that includes the following; <ul style="list-style-type: none"> i. a minimum 3 No. Mobility Impaired Driver spaces (fully dimensioned, hatching & logos shown) ii. 2 No. Go-Car spaces iii. a minimum of 10% EV charging spaces with logos b) The developer shall submit a revised layout showing; <ul style="list-style-type: none"> i. adequate turning space for cars to safely access/egress spaces 30 and 29. (c) ii. demonstration of safe access/egress from spaces No 17 & No 21. c) The developer shall submit a Car Parking Management Plan detailing the management of the car parking spaces not proposed for Taking in Charge. Thereafter, these parking spaces shall be

	<p>managed in accordance with the agreed plan or as otherwise agreed with the Planning Authority in writing.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of sustainable transport and traffic safety.</p>
21.	<p>(a) 183 no. safe and secure bicycle parking spaces shall be provided within the site. Provision should be made for a mix of bicycle types including cargo bicycles and individual lockers. Details of the layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>(b) Electric charging points to be provided at an accessible location for charging cycles/scooters/mobility scooters. Details to be submitted to and agreed in writing with the planning authority.</p> <p>Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.</p>
22.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.</p> <p>Reason: In the interests of visual amenity.</p>
23.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p>

	<p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
24.	<p>Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p>Reason: In the interest of reducing waste and encouraging recycling.</p>
25.	<p>The developer shall submit a site-specific operational waste management plan to ensure management of all waste within the curtilage of the development during its operational phases (i.e. post-construction) for the written agreement of the Planning Authority. The plan shall include details in relation to waste segregation and collection, monitoring and security of waste contained areas.</p> <p>Reason: In the interests of public health, residential amenities and sustainable development.</p>
26.	<p>The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.</p> <p>Reason: To protect the residential amenities of property in the vicinity.</p>
27.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning</p>

	<p>and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
28.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
29.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the transfer of land in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on the land in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an</p>

exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

Elaine Sullilvan

Senior Planning Inspector

5th of May 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500579-SD-26
Proposed Development Summary	Construction of 55 apartments and all associated site works. The proposed development comprises the carrying out of works to a protected structure: Scholarstown House (RPS Ref: 322).
Development Address	Scholarstown House, Scholarstown Road, Dublin 16.
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	

<p>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</p>	
<p><input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2)</p>	<p>Class 10(b)(i) – Threshold 500 residential units</p>
<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____

Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-500579-SD-26
Proposed Development Summary	Construction of 55 apartments and all associated site works. The proposed development comprises the carrying out of works to a protected structure: Scholarstown House (RPS Ref: 322).
Development Address	Scholarstown House, Scholarstown Road, Dublin 16.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The proposed development is for an apartment development located in an urban suburb and surrounded by residential and commercial development, including apartment developments.</p> <p>The development will be connected to the public foul water system and domestic waste generated from the development will be collected by a contractor.</p> <p>It comes forward as a standalone project, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural</p>	<p>The development is situated in an urban area surrounded by residential development. It is not located in, or adjoining, any sensitive or designated sites.</p> <p>The site has an existing protected structure in place. Development take place within the curtilage of the protected structure but will not significantly affect it.</p>

<p>resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The development is removed from sensitive natural habitats, designated sites and landscapes of identified significance in the County Development Plan.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
<p>Conclusion</p>	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA not required.</p>

<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p>	
<p>There is a real likelihood of significant effects on the environment.</p>	

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Appendix 3: AA Screening Determination

Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects	
Case Reference Number: PL-500579-SD-26	
Step 1: Description of the project and local site characteristics Permission is sought for the construction of 55 apartments and all associated site works. The proposed development comprises the carrying out of works to a protected structure: Scholarstown House (RPS Ref: 322). The site is located in an urban area and is surrounded by residential and commercial development. There are no watercourses on or adjoining the site and it is served by the public surface and foul water services.	
Brief description of project	See Section 2.0 of the Inspectors Report. The project includes the demolition of onsite structures and outbuildings, the refurbishment of a Protected Structure, the construction of an L-shaped apartment block comprising 55 no. apartments with ancillary development comprising surface car parking, landscaping, drainage works to provide surface water management within the site. The project would use standard construction methods.
Brief description of development site characteristics and potential impact mechanisms	. The site has a stated area of 0.79 ha and is located in the suburb of Scholarstown. It comprises Scholarstown House, a large detached three-bay, two-storey house with ancillary outbuildings. The site is surrounded by mature trees along its boundaries. An Ecological Assessment identified habitats of grassland and scrub with borderline trees within the site. Site

	<p>preparation work and construction works will require extensive ground clearance and excavations with the removal of the majority (56) of mature trees along the site boundary.</p> <p>The proposed development will be connected to a public water, surface water and foul sewer network. Attenuated water from the site will be discharged to the existing surface water drainage on Orlagh Grove, which ultimately outfalls to the River Dodder. There are no streams or watercourses traversing or bounding the site.</p> <p>Construction works would take c. 22 months to complete, during which time there would be localised emissions from dust, noise and surface water runoff.</p>
Screening report	Yes
Natura Impact Statement	No
Relevant submissions	<p>The grounds of appeal submit that the applicant did not adequately assess the impact on Natura 2000 sites. Reference was made to surface water pathways to the Dodder Catchment and Dublin Bay SAC's and the cumulative effects with permitted developments.</p> <p>Third party submissions also refer to the potential impact on Woodstown Stream, which is part of the Dodder Catchment.</p>
<p>Note - I have visited the subject site and reviewed the EPA water catchments maps for the area (Maps - Catchments.ie - Catchments.ie). There are no watercourses on, or adjacent to the site. Woodstown Stream flows through Knocklyon Park, which is approximately 350m to the south of the site and on the opposite side of the M50. It would appear that Woodstown Stream is culverted at the southern point of the M50, and publicly available maps have no information on where it emerges or joins another watercourse. Based on the information at hand and the site inspection, I am satisfied that the subject</p>	

site has no meaningful hydrological connection to Woodstown Stream. Surface water connections are considered in the AA Screening below.

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

In consideration of the nature and scale of the proposed development, the Zone of Influence of the proposed project was determined to be within the site boundary. Minor localised noise and lighting impacts during construction which would not be expected to extend significantly beyond the site outline nor are they likely to have any significant effects on any European sites.

The AA Screening Report identified an indirect hydrological pathway from the subject site to Dublin Bay via the surface water drainage system at Orlagh Grove, which flows to the River Dodder and ultimately outfalls to Dublin Bay.

The AA Screening Report lists all European Sites within a 15km radius of the site. In the interests of brevity, the table below lists only the European sites that have been identified as having a connection to the subject site using the source-pathway-receptor approach. The closest European sites to the subject site are the Glenasmole Valley SAC and the Wicklow Mountains SAC which are between 4 and 4.5km to the south of the site. Neither is within the Zone of Influence for the development and there is no ecological or hydrological connection between the subject site and the nearest European sites.

An indirect hydrological connection was identified to the European Sites in Dublin Bay via the surface water system which discharges to the River Dodder. As this is the only pathway identified, the relevant European sites are considered in the table below.

European Site (code)	Qualifying interests Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections	Consider further in screening Y/N
South Dublin Bay	Light-bellied Brent Goose	8.4km	Indirect hydrological	Yes

and River Tolka Estuary SPA (IE004024)	Oystercatcher Ringed Plover Grey Plover Knot Sanderling Dunlin Bar-tailed Godwit Redshank Black-headed Gull Roseate Tern Common Tern		connection to Dublin Bay via the surface water drainage system and the River Dodder.	
South Dublin Bay SAC (IE000210)	Mudflats and sandflats not covered by seawater at low tide Annual vegetation of drift lines Salicornia and other annuals colonising mud and sand Embryonic shifting dunes	8.4km	Indirect hydrological connection to Dublin Bay via the surface water drainage system and the River Dodder.	Yes
<p>The application site is not directly connected to any European site. The only potential connections would be an indirect pathway that exists would be through the discharge of foul and surface water from the site to the public drainage systems which would eventually discharge to Dublin Bay via the Ringsend Waste Water Treatment Plant for foul water and the River Dodder for surface water.</p>				
<p>Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites</p> <ul style="list-style-type: none"> As the proposed application site is not located within or adjacent to a European site there will be no direct impacts and no risk of habitat loss, fragmentation or any other direct impact. 				

- As there is no direct or indirect hydrological connection between the subject site and the closest European sites at Glenasmole SAC and the Wicklow Mountains SAC, any indirect impacts on these sites would be limited to air-borne pollution from construction activities. Due to the separation distance between sites air-borne emissions from the site would not have a significant impact on the conservation objectives of the closest European sites.
- As a weak indirect hydrological connection exists between the subject site and the European sites in Dublin Bay, there is a potential for water borne pollutants to enter the designated sites.
- The applicant has been requested by the PA to minimise the release of surface water from the development to the public system on Orlagh Road. They have addressed this through the implementation of SuDS measures throughout the site, including detention basins. Although there will be some surface water discharge to the public system, it will be minimal as most water will be managed within the site. These measures would be implemented regardless of proximity to a European Site.
- In combination impacts have been considered. There are no developments or projects under construction within the immediate area of the site or in close proximity. There are no large-scale developments or projects recently permitted within the area that would result in combination impacts with the subject development. The Two Oaks development has been substantially completed and was subject to AA assessment during the planning consent process.

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: South Dublin Bay and River Tolka Estuary SPA (IE004024)	Direct: No direct impacts would occur from the development.	

<p>Light-bellied Brent Goose Oystercatcher Ringed Plover Grey Plover Knot Sanderling Dunlin Bar-tailed Godwit Redshank Black-headed Gull Roseate Tern Common Tern</p>	<p>Indirect</p> <p>Negative impacts on surface water quality due to construction related emissions in surface water runoff.</p> <p>Potential for negative impacts on water quality from surface water runoff during the operational stage.</p>	<p>Potential for negative affect on habitat quality/ function and prey availability. Could undermine conservation objectives related to water quality.</p>
	<p>Likelihood of significant effects from proposed development (alone) -</p> <p>No – The Conservation Objectives for the site seek to restore and maintain the favourable conservation condition of the bird species listed as Conservation Interests for this SPA and to maintain the favourable conservation condition of the wetland habitat in South Dublin Bay and River Tolka Estuary SPA as a resource for the regularly occurring migratory waterbirds that utilise it.</p> <p>There is no direct pathway from the site to the marine environment which makes up the SPA.</p> <p>There is an indirect hydrological pathway to this SPA via the proposed foul and surface water drainage strategy.</p> <p>Foul wastewater drainage will be directed to an existing public sewer located on Orlagh Grove, which in turn discharges to Ringsend Wastewater Treatment Plant (WwTP) for treatment. Any silt or pollutants will be treated along this network under licence and will not significantly impact on the qualifying interests of this SPA.</p>	

	<p>Surface water drainage will be directed to an existing surface water drainage system located on Orlagh Grove, which in turn outfalls to the River Dodder, which in turn outfalls to the marine environment at Dublin Bay.</p> <p>There is an overland distance of 8.4km between the subject site and the SPA. In the absence of mitigation, any silt or pollutants that may enter this surface water network will settle, be dispersed, or diluted.</p> <p>The River Dodder will enter the estuarine element of the River Liffey where flocculation will also occur. No significant effects on the qualifying interests of this SPA are likely.</p> <p>No potential impacts are foreseen, and no significant effects are likely.</p>	
	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</p> <p>No - In combination impacts have been considered. There are no developments or projects under construction within the immediate area of the site or in close proximity. There are no large-scale developments or projects recently permitted within the area that would result in combination impacts with the subject development. The Two Oaks development has been substantially completed and was subject to AA assessment during the planning consent process.</p>	
	Impacts	Effects
<p>Site 2: Name (code) QI list South Dublin Bay SAC (IE000210) Mudflats and sandflats not covered by</p>	<p>Direct: No direct impacts would occur from the development.</p> <p>Indirect Negative impacts on surface water quality due to construction related emissions in surface water runoff.</p>	<p>Potential for negative affect on habitat quality/ function.</p>

<p>seawater at low tide</p> <p>Annual vegetation of drift lines</p> <p>Salicornia and other annuals colonising mud and sand</p> <p>Embryonic shifting dunes</p>	<p>Potential for negative impacts on water quality from surface water runoff during the operational stage.</p>	<p>Could undermine conservation objectives related to vegetative composition in water sensitive species.</p>
	<p>Likelihood of significant effects from proposed development (alone) -</p> <p>No – The Conservation Objectives for the SAC are to maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in South Dublin Bay SAC, which is defined by the following targets:</p> <ul style="list-style-type: none"> • The permanent habitat area is stable or increasing, subject to natural processes. • Maintain the extent of the <i>Zostera</i> –dominated community, subject to natural processes. <p>There is no direct pathway from the site to the marine environment which makes up the SAC.</p> <p>There is an indirect hydrological pathway to this SAC via the proposed foul and surface water drainage strategy.</p> <p>Foul wastewater drainage will be directed to an existing public sewer located on Orlagh Grove, which in turn discharges to Ringsend Wastewater Treatment Plant (WwTP) for treatment. Any silt or pollutants will be treated along this network under licence and will not significantly impact on the qualifying interests of this SAC.</p>	

	<p>Surface water drainage will be directed to an existing surface water drainage system located on Orlagh Grove, which in turn outfalls to the River Dodder, which in turn outfalls to the marine environment at Dublin Bay.</p> <p>There is an overland distance of 8.4km between the subject site and the SAC. In the absence of mitigation, any silt or pollutants that may enter this surface water network will settle, be dispersed, or diluted.</p> <p>The River Dodder will enter the estuarine element of the River Liffey where flocculation will also occur. No significant effects on the qualifying interests of this SAC are likely.</p> <p>No potential impacts are foreseen, and no significant effects are likely</p>
	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</p> <p>No - No - In combination impacts have been considered. There are no developments or projects under construction within the immediate area of the site or in close proximity. There are no large-scale developments or projects recently permitted within the area that would result in combination impacts with the subject development. The Two Oaks development has been substantially completed and was subject to AA assessment during the planning consent process.</p>
<p>Step 4: Conclusion –</p> <p>I conclude that the proposed development (alone) would not result in likely significant effects on the South Dublin Bay SAC (IE000210) or the South Dublin Bay and River Tolka Estuary SPA (IE004024). The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project.</p> <p>No mitigation measures are required to come to these conclusions.</p>	
<p>Screening Determination</p>	

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the South Dublin Bay SAC (IE000210) or the South Dublin Bay and River Tolka Estuary SPA (IE004024) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The nature and scale of the proposed works.
- The location of the site and the separation distance from the subject site to the European Sites.
- The lack of connections between the sites.

WFD IMPACT ASSESSMENT SCOPING TABLE

Step 1: Nature of the Project, the Site and Locality

An Coimisiún Pleanála ref. no.	PL-500579-SD-26	Townland, address	Scholarstown House, Scholarstown Road, Dublin 16.
Description of project	Construction of 55 apartments and all associated site works. The proposed development comprises the carrying out of works to a protected structure: Scholarstown House (RPS Ref: 322). The development would be connected to the public wastewater and foul water services.		
Brief site description, relevant to WFD Screening,	The site is in an urban area and is connected to the public wastewater and foul water services. Its topography is mainly flat. There are no water courses on or adjacent to the site. The site is located in Flood Zone C.		
Proposed surface water details	Surface water from the development will be managed on site through the use of SuDS features, including green roofs, swales, retention basins / winter gardens and permeable paving. Surface water that cant be attenuated on site will be discharged to the existing surface water drainage system on Orlagh Grove. This discharge will be controlled by means of a flow restrictor to reflect the present greenfield runoff from the site.		
Proposed water supply source & available capacity	It is proposed to make a connection to the existing 6" uPVC Watermain on Orlagh Grove and to serve the development from this connection with a 100mm Ø HDPE main. A pre-connection enquiry has been submitted to Uisce Éireann and a Confirmation of Feasibility was issued to the applicant.		

Proposed wastewater treatment system & available capacity, other issues

Wastewater from the development will be pumped to the existing Uisce Éireann network at the junction of Orlagh Grove and Orlagh Green. The waste water will be treated at Ringsend Waste Water Treatment Plant, which has capacity.

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection

Identified water body	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater) (Consider all phases)	Mitigation Measures proposed	Is mitigation sufficient? Will there be any residual impacts?
River	Dodder_040	Moderate	At Risk	Urban Run-off	Pathway to the Dodder from the site via the public surface water system.	CEMP – mitigation measures for construction phase. Onsite attenuation, SuDS, hydrobrake and petrol interceptors will be used for the operational phase.	Mitigation is sufficient to manage pollutants in surface water run-off.
Groundwater	Kilcullen groundwater body IE_EA_G_003	Good	At Risk	Anthropogenic pressures	Pathway via subsoils on the site.	CEMP – mitigation measures for construction phase. Onsite attenuation, SuDS, hydrobrake and petrol interceptors will	Mitigation is sufficient to manage pollutants in surface water run-off and to prevent spills.

						be used for the operational phase.	
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